

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

232/2

2024:PHHC:020120

CRM-M-63-2024 (O&M)

Date of decision: February 12th, 2024

Prince Walia

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.410 dated 09.11.2023 under Sections 120-B, 188, 201, 272, 308, 328, 420, 468, 471, 472, 473 of the IPC and Sections 61 and 63A of the Punjab Excise Act, 1914, registered at Police Station Mullana, District Ambala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is totally innocent and has been falsely implicated in the case in hand. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-2, it has been asserted by the learned counsel that a perusal of the same reveals that neither has he been named therein nor any recovery of any illicit liquor effected from him nor was there any disclosure statement made by any of the co-accused with respect to his involvement in the crime in question. Rather, he came to be arrayed as an accused only on vague apprehension that he along with the co-accused may have been supplying illicit liquor, which was being manufactured co-accused Ankit alias Mogli. Learned counsel

has submitted that it was a matter of record that when he was arrested on 13.11.2023, not even a single recovery of any bottle of liquor, much less spurious, had been effected from him which further lent credence to his false implication in the instant case. Learned counsel for the petitioner has submitted that since the investigation in the case in hand is complete and challan also stands presented, his further incarceration would serve no useful purpose as the trial would take considerable time to conclude, more so since 51 witnesses have been cited by the prosecution.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has fairly conceded that the petitioner had not been named in the FIR in question nor was there any disclosure statement on record of any of the co-accused with respect to the involvement or any role played by the petitioner in the sale and manufacture of spurious liquor. He has also not been able to controvert that no recovery of any spurious liquor was effected from the petitioner after he was arrested on 13.11.2023. He, however, submits that the petitioner was arrested in another case i.e. FIR No.316 dated 11.11.2023 under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Shahzadpur, District Ambala, after he was found in possession of 14 bottles of countrymade liquor, though the said liquor was not spurious, as per his instructions. Learned State counsel has also not disputed the submissions made by the learned counsel for the petitioner that the investigation in the case in hand is complete qua the petitioner and the challan also stands presented against him.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 13.11.2023. As not disputed by the learned State counsel, no recovery much less of any spurious liquor was effected from the petitioner in the instant case, nor was he involved in the manufacture and sale of spurious liquor.
6. In the facts and circumstances as enumerated hereinabove, since the trial would take considerable time to conclude, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

February 12th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No