

2025:PHHC:009377



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

234

CRM M-2405 of 2025

Date of Decision: 22.01.2025

Rohit

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kunal Dawar, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS with a prayer to grant a regular bail in case FIR No.113 dated 28.09.2024 registered under Sections 61 of the BNS, 2023 and Section 61 of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Rohadi, Rewari, Haryana. [Challan presented under Sections 318(4), 338, 336(3), 340(2) and 61(1) of Bharatiya Nayaya Sanhita, 2023 (erstwhile Sections 420, 468, 471 and 120-B IPC) & Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020)].

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, Mukesh, co-accused had purchased 9000 empty bottles from one Gurmeet. Bottle caps, labels, holograms

and empty cardboard cartons were procured from a person, Ahmed from Calcutta and ENA was purchased by Sukhvinder @ Sethi. Mukesh, Mahesh and Anil, co-accused had taken a poultry farm at Jhunjhunu, on rent, where they had manufactured liquor for 750 cartons and filled the same in the bottles and affixed fake labels of Mc Dowell's No. 1 and fake holograms were affixed on the bottles. As per the prosecution, they had transported 250 cartons of illicit liquor to Paramjeet Kaushik at Piggery belonged to the petitioner. Learned counsel further submits that in fact Paramjeet Kaushik wanted to use illicit liquor in the elections, which were held in the Haryana and the petitioner had no concern with the manufacturing/storing of the illicit liquor. He further contends that even as per the case set up by the prosecution, no other role has been assigned to the petitioner. The petitioner was arrested in the present case on 24.10.2024 and is in custody for almost three months. He further contends that the petitioner was never involved in any other case and his co-accused Manoj Kumar has already been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail. However, she admits that the challan has already been presented

against the present petitioner and no witness has been examined so far.

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

5. In the present case, another co-accused Manoj Kumar has already been admitted to the bail by this Court on 15.01.2025. Moreover, the petitioner had no concern with the manufacturing/transporting of the illicit liquor and it has been alleged against him that his Piggery was used for storing the illicit liquor, with fake labels and holograms. Moreover, no witness has been examined in the present case and there are no chances of early conclusion of the trial. Thus, no propose will be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and concession of bail granted to him shall liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

22.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No