

2025:PHHC:176534



CRM-M-4021-2025

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(216) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4021-2025

Date of decision : 22.12.2025

YUVRAJ SINGH @ MANNU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Sandeep Singh Jattan, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

MANISHA BATRA, J. (ORAL)

1. The instant one is the second petition as filed by the petitioner for grant of regular bail in case arising out of FIR No.410 dated 09.11.2023 registered under Sections 201, 272, 308, 328, 120-B, 420, 467, 468, 471, 472, 473 and 34 of IPC and Sections 61, 63A, 72A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) registered at Police Station Mullana, District Ambala. His previous petition bearing CRM-M-18959-2024 had been dismissed vide order dated 26.09.2024 by this Court.

2. As per the allegations, on 09.11.2023, a secret information was received by the complainant-SI Karam Chand to the effect that the accused-Kapil Pandit and Ankit @ Mogli alongwith other accomplices were involved in manufacturing fake/spurious countrymade liquor in the

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premises of an old factory existing in the area of Village Dhanaura, District Ambala. It was also informed that if raid was conducted, they could be apprehended while manufacturing illicit liquor. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and recovered some burnt empty liquor bottles, six bottles of fake liquor, wrappers having written “Taaza Malta”, one electric machine of liquor making and several big as well as small plastic drums and one drum having fevicol and 90 empty plastic bottles. All these articles were taken into custody. The aforementioned FIR was registered. Investigation proceedings were initiated. The accused-Uttam Singh and Puneet were arrested on the same day. They were interrogated and suffered disclosure statements admitting their involvement in the crime. On the basis of their disclosure statements the co-accused Shekhar and accused-Prince were nominated as such and were arrested. The accused-Ankit @ Mogli was joined into investigation on 19.11.2023 and suffered disclosure statement on the basis of which the present petitioner was nominated as an accused, on the allegations that he alongwith the co-accused had been manufacturing spurious liquor in an old factory belonging to one Uttam Singh, by taking it on lease.

3. As per the further allegations, the accused-Ankit also disclosed that the liquor supplied by them on 06.11.2023 to accused-Prince, Mohit and Vikrant had caused death of some persons at Yamunanagar and on coming to know about that fact, they had destroyed the boxes of remaining liquor. The present petitioner was arrested on

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28.01.2024. On interrogation, he too suffered disclosure statements admitting his involvement in the crime. Investigation now stands completed and supplementary challan has been filed as against the petitioner and co-accused Ravish Kumar.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither named in the FIR nor in the secret information. The disclosure statement alleged to have been suffered by the co-accused thereby implicating him, cannot be considered to be admissible in evidence. There is no direct incriminating evidence against him on record. He has been implicated in this case only due to his having criminal antecedents. Many co-accused have since been extended benefit of bail. He is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for extending benefit of bail to him; especially when he is on bail in most of these cases. After dismissal of his previous petition, a period of 01 year and 03 months has passed. However, there is no progress in the trial. The ingredients qua commission of subject offences are not attracted against him. With these broad submissions, it is urged that he deserves to be released on bail.

5. Per contra, learned State counsel in terms of the pleas taken in the status report, has vehemently argued that the allegations against the petitioner are serious in nature. He alongwith the co-accused was

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involved in manufacturing of spurious liquor, the consumption of which had caused death of as many as 20 persons. Several FIRs have been registered, in this regard. The petitioner is a habitual offender. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. It is, thus, stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by the counsel for both the parties at considerable length.

7. The petitioner is in custody since 27.01.2024 i.e. for a period of 01 year, 10 months and 26 days. The allegations against him are that he was involved in manufacturing of spurious liquor. The petitioner has not been booked for commission of offence of murder in this very case and separate FIRs have been registered qua him. Only 5 out of 58 prosecution witnesses have been examined. It is a matter of trial and it is only on thorough assessment of the evidence to be produced on record that any conclusion as to the petitioner's involvement in commission of act of manufacturing of illicit liquor, is to be drawn. After dismissal of his previous petition, there has not been much progress in the trial. Meaning thereby that there are no prospects of the trial having been concluded in the near future. 11 co-accused have already been extended benefit of bail.

8. On analyzing the peculiar facts and circumstances of the present case, it transpires that the petitioner has suffered prolonged incarceration for a period of 1 year, 10 months and 26 days, the trial is

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not likely to be concluded in near future; the continued detention of the petitioner is not likely to serve any fruitful purpose; there is nothing on record to show that if released on bail, the petitioner will not participate in the trial or will abscond. Though, this is the second petition as filed by the petitioner, however, his previous petition had been dismissed on 26.09.2024 i.e. about 01 year and 03 months back. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. Only 5 out of 58 witnesses have been examined by the prosecution till now. Obviously, the petitioner is not required for further investigation

9. In view of the above discussion, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds with 02 sureties to the satisfaction of the learned trial Court, and subject to the



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condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

10. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

22.12.2025
Amit Sharma

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