



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

**CRM-M No.8366 of 2025 (O&M)**

**Reserved on: 17.10.2025**

**Date of Decision: 31.10.2025**

**Naresh @ Neshi**

**.....Petitioner**

**Versus**

**State of Haryana**

**..... Respondent**

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

**Argued By:** Mr.Parveen Sharma, Advocate and  
Mr. Rakesh Lathwal, Advocate for the petitioner.

Ms. Deepali Verma, AAG, Haryana.

**SURYA PARTAP SINGH, J. (Oral):**

For the commission of offence punishable under Sections 272, 304, 328, 420, 467,468, 471 of IPC [Section 34 and 120-B IPC added later on] and Section 72-A [Section 61 added later on] of Punjab Excise Act, 1914, as amended by Haryana Amendment Bill, 2020, the FIR No.562 dated 06.12.2020, has been lodged in Police Station Sadar Sonipat, District Sonipat. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition seeking for grant of bail under Section 439 of Cr.P.C.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on a complaint submitted by Rajesh Kumar son of Dharambir Saini. In his complaint dated 06.12.2020, it was stated by the



complainant that earlier his father had moved an application on the basis of suspicion that Pushpraj, brother of complainant, had died due to consumption of poisonous liquor. According to complainant, thereafter they had verified from their own sources and came to know that his brother Pushpraj used to purchase liquor from Amit Khatri, Sahil Rathi and their companions, and that on that day Pushpraj along with Arun Kumar had purchased liquor from the same source, consumed it and later on passed away. According to complainant, the liquor supplied by the above named accused was poisonous, and the same was responsible for the death of Pushpraj.

3. It is the case of the prosecution that on the basis of above mentioned information a formal FIR was lodged and the investigation taken up. According to prosecution, during the course of investigation it was revealed that the poisonous liquor sold to Pushpraj by Amit Khatri and others, was illegally produced by the petitioner.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in the present case, merely, on the basis of disclosure statement of his co-accused. According to learned counsel for the petitioner, the name of petitioner nowhere finds mentioned in the FIR and that a false story has been cooked-up by the prosecution with regard to production and manufacturing of poisonous liquor by the petitioner. According to learned counsel for the petitioner there is no evidence on record to support the above mentioned stand of the prosecution, except the confessional statement of co-



accused which is inadmissible in evidence.

6. In addition to above, the learned counsel for the petitioner for the petitioner has also argued that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 3 years, and that benefit of bail has already been afforded to the main accused whose name finds mentioned in the FIR. According to learned counsel for the petitioner otherwise also all the material witnesses have already been examined in this case and they have not supported the prosecution case qua the involvement of petitioner in the commission of crime. According to learned counsel for the petitioner, in view of abovementioned factors, the petitioner is entitled for the benefit of bail.

7. *Per contra*, the learned State counsel has argued that on the ground of parity the petitioner is not entitled for the benefit of bail, as the petitioner has long history of criminal cases. According to learned State counsel the petitioner is deeply involved in the manufacturing and sale of poisonous liquor, and he is facing 20 cases of similar nature, wherein it has been alleged that either the poisonous liquor manufactured by the petitioner has resulted into death of consumers or there has been violation of Excise Act or the commission of offence under Section 328 IPC. According to learned State counsel the petitioner is a habitual offender, and if released on bail he will again indulge in similar kind of activity.

8. The record has been perused carefully.

9. A perusal of the record shows that in the present case the prosecution has build up its case against the petitioner in view of the fact that



accused whose names figured in the FIR had revealed the source of supply of poisonous liquor to them. Therefore, the prosecution laid held upon the petitioner and from his custody the materials used for production and manufacturing of liquor was recovered. The custody certificate placed on record by the respondent-State reveals that the petitioner is in custody for a period of more than 3 years and 1 month, but at the same time it also shows that petitioner is already facing prosecution for the commission of offences punishable under Section 304 IPC read with Section 72 of Excise Act in 12 cases, and for the commission of offences punishable under Section 328 IPC read with Section 72-A of Excise Act in 4 cases. In addition to above, 6 other cases under various provisions of Excise Act are also pending against him. The above mentioned involvement of petitioner in more than 20 cases pertaining to Excise Act, itself speaks in volumes about the conduct of the petitioner. Thus, it is hereby held that the case of the petitioner does not stand on the same footing on which the case of co-accused namely Amit Khatri, Sahil Rathi and Anil were standing. Hence, it is hereby held that on the ground of parity the petitioner is not entitled for the benefit of bail.

10. As far as the other factors are concerned, in view of the fact that allegations against the petitioner are of serious nature, i.e. production and manufacturing of poisonous liquor, which led to death of a human being, and that the confessional statement suffered by the petitioner has led to discovery of facts pertaining to this case, it is hereby held that the present petition is devoid of merits and the petitioner is not entitled for the benefit of bail. Thus



finding no merit in the present petition, the same is hereby dismissed,  
accordingly.

(SURYA PARTAP SINGH)  
JUDGE

31.10.2025  
*Manoj Bhutani*

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