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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-39907-2025 (O&M)
Date of decision : 06.11.2025

Mohit @ Kala ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ram Kumar Saini, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.(Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No.410 dated 09.11.2023, registered under Sections 201, 272, 308, 328, 120-B, 420, 467, 468, 471, 472, 473, 34 IPC (Section 188 of IPC stands deleted) and Sections 61, 63-A, 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), at Police Station Mullana, District Ambala. The previous petition was dismissed as withdrawn.
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 along with other accomplices were involved in manufacturing fake/spurious countrymade liquor in the premises

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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 co-accused Uttam Singh, Puneet, Ankit and Nishant Rana were arrested. The petitioner was nominated as an accused during the course of investigation. He was arrested on 17.11.2023. He suffered disclosure statement to the effect that he along with co-accused Vikrant Rana had been supplying illicit liquor made by co-accused Ankit @ Mogli and Saurabh and had sold 08 boxes of said liquor to one Subi, resident of Yamuna Nagar and had subsequently come to know that several persons had died due to consuming that liquor. He disclosed that he had thrown 07 boxes of said liquor in a drain. On his disclosure, accused Vikran Rana was nominated as such and was arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He has been connected with the case on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. No recovery is to be effected from him. There is nothing on record to connect him with the subject crime. Out of 53 prosecution witnesses, only 04

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witnesses have been examined so far. The trial will take considerable time to conclude. Several co-accused have since been extended benefit of bail. On parity, he too deserves to be released on bail. His involvement in other cases cannot be considered to be a reason for denying him benefit of bail in this case. It is, therefore, urged that the petition deserves to be allowed.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. His complicity in the crime stands established from the evidence produced on record. The trial may be expedited. The petitioner is a habitual offender as he is involved in some other cases. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6. The petitioner is alleged to be involved in supply of spurious/illicit liquor. He was nominated in this case on the basis of disclosure statement of co-accused. He is in custody for the last 01 year, 10 months and 27 days. Conclusion of trial is likely to take considerable time as only 04 prosecution witnesses have been examined so far out of total 53 witnesses. No useful purpose would be served by his further incarceration. It is well settled that pre-trial incarceration should not be a replica of post conviction sentencing. Though, the petitioner is stated to be involved in some other cases but that alone cannot be considered to be a ground for denying benefit of bail to him. Several co-accused have already been granted

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concession of regular bail. Keeping in view the nature of the allegations as levelled against him, the period of custody and the other facts peculiar to this case, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.11.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No