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

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CRA-S No.3193 of 2025

Date of decision: 22.12.2025

Soma Kaur

... Appellant

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh Sekhon, Senior Advocate,
with Mr. Parshant, Advocate,
for the appellant.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been filed by the appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) seeking challenge to the order dated 16.07.2025 as passed by the Court of learned Additional Sessions Judge, Sangrur in case arising out of FIR No.44 dated 22.03.2024 registered under Sections 302, 328, 468, 469, 471, 201 and 120-B of IPC and Section 3 (2) (v) of *SC/ST Act* and Section 61 of Punjab Excise Act, 1914 at Police Station City Sunam, District Sangrur, whereby an application for grant of regular bail as filed by the appellant

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had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant Harmesh Singh alleging that the accused Mangal Singh used to sell illicit liquor after purchasing it from the appellant and the other co-accused in his village. He had been confronted by the villagers but proclaimed that he would continue doing the same. On 21.03.2024, his father Budh Singh along with some other co-villagers had brought liquor from Mangal Singh and had consumed the same. In the next morning, he was found suffering from severe pain in his abdomen and told the complainant that his eye sight has also been affected. He was rushed to hospital but had died. Two more villagers were found to have died due to consumption of spurious liquor at the same time. By alleging that the accused along with the suppliers of spurious liquor including the appellant were responsible for the deaths, he prayed for taking action. On the basis of the above complaint, FIR was registered. Investigation proceedings were initiated. The postmortem examination of dead body of victims were conducted. The report of viscera contents of dead body of the father of the complainant showed that the death had occurred due to consumption of methyle alcohol poison which was sufficient to cause death in the ordinary course of

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nature. The accused Mangal Singh was arrested on 24.03.2024 and on his statement, his father Channa Ram was nominated as such. On interrogation, Channa Ram disclosed that on 20.03.2024, accused Biru Baba brought 46 bottles of liquor branded Sahi Haryana from the appellant and he had purchased the same. Thirteen of these bottles were sold to the victims and other persons. The appellant was arrested on 27.03.2024. Since the victim Budh Singh belonged to Scheduled Caste category, offence under Section 3 (2) (v) of SC/ST Act was added. Investigation now stands completed and the appellant along with the co-accused is facing trial for commission of aforementioned offences. She moved an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 16.07.2025.

3. It is argued by learned counsel for the appellant that the impugned order dated 16.07.2025 is not sustainable in the eyes of law. No offence under the provisions of SC/ST Act is made out against her. She was nominated as accused on the basis of suspicion of the complainant. No recovery has been effected from her. She is in custody since 27.03.2024. She is a sick person and is under treatment. No material has been collected by the investigating agency to prove that the liquor consumed by the victims had been supplied by her. The two co-

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accused have been extended benefit of bail. The provision of Sections 302, 328, 468, 469, 471, 201 and 120-B of IPC are not attracted qua her. The trial will take considerable time. Her further incarceration would not serve any useful purpose. It is further argued that while passing the impugned order dated 16.07.2025, the learned trial Court did not take into consideration the above discussed facts. It is, thus, urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and that she deserves to be extended benefit of bail.

4. Per contra, learned Assistant Advocate General, Punjab has argued that there is no illegality or infirmity in the impugned order which is well reasoned order. The appellant was actively involved in the sale of spurious liquor and it was the liquor supplied by her consumption of which led to death of not only the father of the complainant but nine other persons and due to which several other persons had fallen seriously ill. The trial is going on at a proper pace as five witnesses already stand examined. There is nothing to show that there would be any undue delay in conclusion of the trial. The appellant has criminal antecedents. As per the status report, she being involved in two cases under NDPS Act, two cases under Excise Act and one of which is of similar nature. There are chances of her committing similar offences if extended benefit of bail. Accordingly, it is stressed that the appeal does not deserve to be allowed.

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5. This Court has considered the rival submissions.

6. The appellant along with the co-accused is alleged to have been engaged in the business of supplying spurious liquor after purchasing it from the other accused. As per the allegations, on 19.03.2024, she had purchased eight boxes of spurious liquor from the co-accused and had further sold the same to the victims who had died due to consuming that liquor. She is also alleged to have poured the remaining liquor in a pond near her house thereby causing disappearance of evidence of offence. The allegations against her are serious in nature. She is seeking benefit of bail on the ground of her medical condition also. As per the report of medical officer of the concerned jail, she is having pain in left knee and thigh and feels difficulty in walking and has been under treatment. She is shown to have played significant role in supply of spurious and poisonous liquor which has caused death of several innocent persons. Gravity of offences is also required to be taken into consideration while deciding plea for release of an accused on bail. The trial is going on in a proper manner and it is not revealed from the record that there would be any undue delay in conclusion of the same. So far as her claim that provisions of Section 3 (2) (v) of SC//ST Act are not attracted, the same is liable to be rejected, taking into consideration the fact that as per this provision, any person who commits any offence under the provisions of Indian Penal Code

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punishable with imprisonment for a term of ten years or more against a person of Scheduled Caste community, is liable for punishment and one of the victim in this case was a person of Scheduled Caste community. As such, the aforementioned provision is fully attracted and the argument raised to that extent is also liable to be rejected.

7. Taking into consideration the nature of the allegations levelled against the appellant, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that no ground has been made out for allowing the appeal. Accordingly, the same is dismissed.

22.12.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No