

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048127



CRA-S-217-2026 (O&M)

Sunder

... Appellant

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	23.03.2026
2.	The date when the judgment is pronounced	27.03.2026
3.	The date when the judgment is uploaded on the website	27.03.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prateek Sodhi, Advocate for the appellant.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The Instant Appeal has been filed by the appellant under Section 14-A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘SC/ST Act’), challenging order dated 10.11.2025 passed by the Court of learned Additional Sessions Judge, Amritsar, in case arising out of FIR No.48, dated 13.05.2025, registered

under Sections 103, 105, 109, 123 and 238 of the BNS, Sections 61(1) and 61(2) of the Punjab Excise Act, Sections 3 and 4 of the SC/ST Act and Section 6 of the Poisons Act, 1919, at Police Station Kathunangal, District Amritsar Rural, whereby an application filed by the appellant for grant of regular bail was dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a complaint submitted by complainant – Inspector Satpal Singh on 13.05.2025, alleging therein that while performing patrolling duty, he had received an information that accused Arun @ Kala was indulged in manufacturing of spurious liquor and sale of the same to the cohabitants of some villages. By consuming said liquor which was poisonous, several persons of village Kathunangal had fallen sick.

3. After registration of the FIR, investigation proceedings were initiated. It was revealed that two persons, namely, Gajju and Romi R/o village Patalpuri had died due to consumption of the poisonous liquor. Another secret information was received that Kaka and Gagan Kumar had also died after consuming liquor sold by the present petitioner. He was nominated as accused. Accused Arun @ Kala and the petitioner were arrested on 13.05.2025. Subsequently, some other persons were also nominated as accused and were arrested. Investigation now stands concluded. Prayer made by the appellant for grant of regular bail had been dismissed by the learned trial Court vide the impugned order.

4. It is argued by learned counsel for the appellant that the impugned order as passed by learned Additional Sessions Judge, thereby

dismissing the application, is not sustainable in the eyes of law and is liable to be set aside due to the reason that while passing the same, the learned Court has ignored the fact that the petitioner has been falsely implicated in this case. He was not named in the FIR and has been nominated on the basis of disclosure statement of co-accused, which cannot be considered to be admissible in evidence. No recovery has been effected at his instance. The case is based on suspicion. There is no evidence to link him with the liquor that was purchased and consumed by the victims. No useful purpose would be served by detaining him in custody anymore. The trial will take considerable time to conclude. It is, therefore, urged that the appeal deserves to be accepted and he deserves to be released on bail.

5. Per contra, learned State counsel while relying upon the status report has argued that the allegations against the appellant are serious in nature. He had sold illicit and poisonous liquor to the victims, resulting into their unnatural and unfortunate death. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. There is no illegality or infirmity in the impugned order and the appeal is liable to be dismissed.

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

7. The appellant is alleged to have sold spurious/poisonous liquor to the victims, due to consumption of which they had died. However, it is only on thorough assessment of the evidence to be produced during trial that any definite conclusion as to the appellant's having any direct hand in supply of liquor to the victims and as to his knowledge that it was

poisonous, can be drawn. No material had been collected to connect the appellant with the commission of subject offences. The appellant is in custody since long. Taking into consideration the above discussed facts and the nature of allegations as levelled against the appellant, this Court is of the considered opinion that no useful purpose would be served by detaining him in custody anymore. Accordingly, the impugned order is set aside, the appeal is accepted and the appellant is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the extent of two sureties to the satisfaction of the trial court/CJM concerned. He shall also give copy of his Aadhar Card, Passport and PAN Card, if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance. He shall not leave the country without prior permission of the Court.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main appeal has been allowed, pending application, if any, is rendered infructuous.

27.03.2026

harjeet

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No