

2026:PHHC:055819



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8053 of 2026

Pardeep Kumar ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	08.04.2026
2.	The date when the judgment is pronounced	10.04.2026
3.	The date when the judgment is uploaded on the website	10.04.2026
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. Sandeep Singh Jattan, Advocate,
Mr. J.K. Jindal, Advocate and
Ms. Sandeep Kaur, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under

2026:PHHC:055819



Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
327	09.11.2023	Barara, District Ambala	304, 328 and 120-B of IPC (302 of IPC and 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Mool Chand on 09.11.2023 alleging therein that about 15 days back, his son Shivam @ Lokesh had come from his native village to Ambala in search of work and informed that he along with his friend Deepak Singh had started working with accused Ankit @ Mogli, who was indulged in the business of liquor. On 09.11.2023, he received information that his son and Deepak Singh had died due to consumption of liquor and during the course of their treatment. He had come to the hospital and came to know that the deaths had occurred due to consumption of spurious/poisonous liquor which was manufactured by accused Ankit in illegal manner by installing a factory at Village Dhanaura.

3. After registration of FIR, investigation proceedings were initiated. The complainant recorded his supplementary statement on 11.11.2023 on the basis of which five more persons were named as accused. A Special Investigation Team was established. The accused Shekhar,

Parveen Kumar, Uttam Singh, Puneet and Ankit @ Mogli were confined in

2026:PHHC:055819



jail in connection with some other case and were joined into investigation of this case. They suffered disclosure statements admitting their involvement in the crime. Accused Ankit @ Mogli disclosed the names of the petitioner and co-accused Yuvraj Singh @ Mannu, Uttam Singh, Kapil Pandit and Gaurav. The petitioner was nominated as such.

4. As per the further allegations, the accused Gaurav Kumar was joined into investigation of this case and was interrogated. He suffered disclosure statement admitting his involvement in the crime and disclosed that he along with the present petitioner and co-accused Nishant Rana, Yuvraj Singh @ Mannu, Kapil Pandit and Gaurav etc. had set up a factory to manufacture spurious liquor. He disclosed that on 08.11.2023, they had received information from a salesman from Village Mandabri liquor shop that several persons had died in the nearby villages due to consuming spurious liquor manufactured in their liquor factory and then they had destroyed the remaining liquor. The petitioner was arrested on 02.01.2024. He too suffered disclosure statement to the same effect and got recovered one bottle of countrymade liquor at his instance. Other accused were subsequently arrested. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of offences punishable under Sections 302, 304 and 328 read with Section 120-B of IPC and Section 72-A of Punjab Excise Act.

5. It is argued by learned counsel for the petitioner that he was not

2026:PHHC:055819



named in the FIR or in the supplementary statement of the complainant and has been implicated in this case on the basis of disclosure statement of the co-accused Ankit @ Mogli which cannot be considered to be admissible in evidence. He is in custody since 02.01.2024. A false recovery of liquor bottle has been planted upon him. He is neither a partner in the alleged liquor business nor a conspirator. Only 03 out of 69 prosecution witnesses have been examined so far and, therefore, there are no chances of conclusion of trial in near future. Seven co-accused have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, thus, argued that the petition deserves to be allowed.

6. Status report and custody certificate have been filed. Learned Assistant Advocate General, Haryana has argued that the allegations against the petitioner are quite serious in nature as he was one of the master mind of the subject crime and he along with the co-accused was partner in the business of manufacturing illicit and spurious liquor by setting up a factory. He was involved in transporting the said illicit liquor to various places. He is a habitual offender being involved in several other cases of similar nature. Due to consuming the liquor manufactured and supplied by him and the co-accused, several persons had died. There are chances of petitioner's committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

2026:PHHC:055819



7. This Court has considered the rival submissions.

8. The petitioner was nominated as an accused in this case on the basis of disclosure statement of the co-accused Ankit @ Mogli. The role that has been attributed to him is that he was one of the partners of the factory set up with the co-accused for manufacturing illicit and spurious liquor and supplying the same. The co-accused Yujraj Singh and Nishant Rana whose case is on similar footing have been extended benefit of bail. The petitioner is in custody since 02.01.2024. Only 03 out of 69 prosecution witnesses have been examined so far and, therefore, it is obvious that there are no chances of conclusion of trial in near future. There is no documentary evidence to show that the petitioner was infact a partner with the co-accused and was engaged in manufacturing of illicit liquor. The well settled proposition of law is that prolonged incarceration militates against the most precious fundamental right guaranteed under Article 21 of the Constitution of India. Taking into consideration the role attributed to the petitioner, the period spent by him in custody, the fact that the trial will take considerable time to conclude, on parity and the attendant facts and circumstances, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same 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 learned trial Court/CJM/Duty Magistrate concerned.

9. It is, however, clarified that observations made hereinabove

2026:PHHC:055819



shall not be construed as an expression of opinion on the merits of the case.

10.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No