

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048133



CRA-S-817-2026 (O&M)

Pankaj Kumar @ Sahil

... 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. Vinod Ghai, Senior Advocate with
Ms. Kashish Sahni, Advocate for the appellant.

Mr. Duregesh Garg, 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 06.01.2026 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, 61(2) and 238 of the BNS, Sections 61-A 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 inhabitants 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 died after consuming liquor sold by one Sham Sunder. He was nominated as accused. Accused Arun @ Kala and Sham Sunder were arrested on 13.05.2025. Subsequently, some other persons including accused Sahib Singh @ Saba were arrested. Accused Sahib Singh @ Saba suffered disclosure statement on 02.07.2025 admitting the fact that he was engaged in the business of manufacturing illicit/poisonous liquor and after searching the mobile number of the present appellant from Google, he had contacted him

on 30.04.2025 and had purchased 50 litres of Methanol on making payment of Rs.2900/- through Gpay account of one Bikramjit Singh and thereafter co-accused Ravi had prepared 05 cans of Methanol alcohol which was sold to co-accused Prabhjit Singh and Kulbir Singh, who had further sold the same. As per the case set up by the prosecution, on the basis of disclosure statement of accused Sahib Singh @ Saba, the petitioner was nominated as additional accused and was arrested and suffered disclosure statement on 02.07.2025 to the effect that he used to run a chemical shop and had sold 50 litres of Methanol to accused Sahib Singh @ Saba while knowing that he would prepare liquor from the same. Investigation now stands concluded and the petitioner along with co-accused is facing trial for commission of the aforementioned offences. 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 dated 06.01.2026 as passed by learned Additional Sessions Judge is not sustainable in the eyes of law as while passing the same, the learned trial Court has ignored the fact that the appellant was not named in the FIR and has been nominated as accused on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. There is no material to establish the factum of hatching of any conspiracy by the appellant with co-accused Sahib Singh. There is also no material to show that it was well within the knowledge of the appellant that the Methanol so sold would be used for manufacturing illicit liquor. The trial is likely to take considerable time to conclude since no prosecution witness has been examined so far. The ingredients for commission of subject

offences are not attracted qua him. No useful purpose would be served by detaining him in custody anymore. It is, therefore, urged that the impugned order being unsustainable in the eyes of law, is liable to be set aside, 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 there is no illegality or infirmity in the impugned order and the same is well reasoned. It is further argued that the allegations against the appellant are serious in nature. Undisputedly, He was dealing in sale of chemicals. He had been selling Methanol to co-accused Sahib Singh @ Saba while fully knowing that it was being used for the purpose of manufacturing illicit liquor. From the records, calls made between co-accused Sahib Singh @ Saba and the appellant affirms that they were engaged in sale/purchase of Methanol. 50 litres of Methanol had been purchased by the appellant by making a payment of Rs.2900/- through Gpay account of his friend Bikramjit Singh. By consuming the same liquor, several persons have died. While fully knowing the fact that by using the Methanol for preparing illicit liquor, the use of Methanol could be dangerous for life, the appellant allowed the sale of the same to co-accused. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. It is, thus, stressed that there is no merit in the appeal and the same 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 Methanol to co-accused Sahib Singh @ Saba. Apart from the disclosure statements of co-accused

Sahib Singh @ Saba and the appellant himself, the respondent/State has relied upon some call details record and also transfer of an amount of Rs.2900/- by one Bikramjit Singh in favour of the appellant. The appellant has not denied the factum of exchange of calls between him and co-accused Sahib Singh @ Saba in the appeal itself and the stand taken by him is that these calls were merely for business purpose and the appellant was not aware of the purpose for which Methanol was used by accused Sahib Singh @ Saba. 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 knowledge about the fact that spurious/poisonous liquor was being manufactured by that Methanol so sold or that he sold the Methanol in conspiracy with accused Sahib Singh, can be drawn and not at this stage. It is also a matter of evidence that the particular Methanol with which the spurious/poisonous liquor was prepared by co-accused, was supplied by the appellant or not? Given the nature of the allegations as levelled against the appellant and taking into consideration the above discussed facts, this Court is of the considered opinion that no useful purpose would be served by detaining him in custody anymore. The trial would obviously take time to conclude as no prosecution witness has been examined so far. The well settled proposition of law is that pre-trial incarceration should not be a replica of post conviction sentencing. 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