



CRM-M-34487-2024

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

106-8

CRM-M-34487-2024

Vishal Rana

...Petitioner

V/s

State of Haryana and another

...Respondents

Date of decision: 16.03.2026**Date of Uploading : 18.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Shreenath A. Khemka, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.249 dated 08.11.2023, registered for the offences punishable under Sections 302, 307, 326, 328, 201, 420, 467, 468, 471, 120-B of IPC and Section 72-A of the Punjab Excise Act, 1914 (as amended by the Haryana Amendment Bill, 2020) at Police Station Farakpur, District Yamunanagar, Haryana.

2. The gravamen of the FIR reflects that the complainant namely Prince Kumar and Vishal had purchased and consumed a bottle of country made liquor from Rocky at his house on the night of 06.11.2023. It has been alleged by the complainant that the Rocky used to sell and serve liquor at his residence. After consuming the liquor, both of them started vomiting and their health deteriorated whereinafter they were taken for medical treatment

and later admitted to Gaba Hospital. It has been further alleged that during



the course of treatment, Vishal had died. The complainant had alleged that the liquor sold by Rocky was poisonous and the Rocky along with his unknown accomplices was involved in selling poisonous liquor which resulted in the death of Vishal and caused serious illness to the complainant. On the basis of the said statement, FIR in question was registered and investigation was set into motion. During the course of investigation, the accused Rocky was arrested and suffered a disclosure statement that contractor Pardeep Kumar and his associates Kapil @ Bablu had country made liquor vend near Highway. Thereafter, several accused persons were arrested and their disclosure statements were recorded pursuant to which the investigating agency claimed to have unearthed a larger network allegedly involved in the manufacture, supply and distribution of illicit and spurious liquor. Subsequently, upon further investigation it was revealed that total 13 persons were stated to have been died and one injured namely Jagmal had lost his eye-sight after allegedly consuming the spurious liquor.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and no specific allegation has been levelled against him in the FIR. Learned counsel has further iterated that the allegations in the FIR were only against accused Rocky who allegedly sold the liquor to the complainant and the deceased. It has been further contended that the petitioner has neither been named in the FIR nor any direct role has been attributed to him in the alleged manufacture or sale of spurious liquor. According to learned counsel, the petitioner has been nominated in the present case only on the



basis of the disclosure/confessional statement of a co-accused and there is no independent or direct evidence to connect the petitioner with the alleged offence. Learned counsel has emphasized that such disclosure statement has limited evidentiary value and cannot by itself form the basis for continued incarceration of the petitioner. It has been further contended that the only material relied upon by the prosecution is certain bank transactions between the petitioner and co-accused Nishant Rana, which according to the petitioner were part of regular financial dealings. Learned counsel has emphasized that several co-accused having more active roles in the alleged offence have already been granted the concession of bail by this Court in connected matters and therefore the petitioner also deserves the concession of anticipatory bail. Learned counsel has asserted that the petitioner has been in custody since 17.11.2023 and challan and supplementary challan have already been presented before the competent Court of jurisdiction. Learned counsel has asserted that out of 138 prosecution witnesses cited not even a single witness has been examined so far and the trial is likely to take a considerable period of time to conclude. It has been further submitted that the continued incarceration of the petitioner, in the absence of any substantive evidence, would serve no purpose. Furthermore, the petitioner shall undertake to abide by all conditions that may be imposed by this Court, including not tampering with the prosecution evidence or influencing witnesses and not leaving the country without prior permission of the Court. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.



4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations are grave and serious in nature as the case pertains to the manufacture and supply of illicit/spurious liquor which ultimately resulted in the death of certain persons. Learned State counsel has iterated that during the course of investigation, a larger conspiracy involving several persons engaged in the manufacture and distribution of poisonous liquor has been unearthed. According to learned State counsel, during the course of investigation the involvement of several persons has surfaced and the petitioner has also been nominated on the basis of disclosure statements of co-accused persons as well as other material collected by the investigating agency. It has been further contended that the petitioner has been nominated during investigation on the basis of the disclosure statement of co-accused persons and other material collected by the investigating agency. It has been further contended that pursuant to the disclosure statement of the petitioner several incriminating articles including documents, bank passbooks, cheque books, DVR and a register containing records of sale of liquor were recovered from the vehicle of the petitioner. Moreover, the petitioner has also got demarcated the place where the spurious liquor has been destroyed as well as the illegal manufacturing unit where the illicit liquor was prepared. Learned State counsel submits that keeping in view the seriousness of the offence and the larger public interest involved, the petitioner does not deserve the concession of regular bail. Considering the gravity of the



offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of grant of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as *State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490*, relevant whereof reads as under:

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on



*bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see **Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280** and **Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179**). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598** and **Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338**."*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused*



on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

7. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* suggests that the petitioner specially attributed an active role in the alleged incident. The gravamen of the allegations in the FIR discloses that the complainant and one Vishal have allegedly consumed illicit and poisonous liquor, which resulted in the death of Vishal. On the basis of the statement of the complainant, the FIR *ibid* has been registered against certain persons. Subsequently, it came to light that a large-scale illicit liquor manufacturing and distribution network was operating due to which several persons have died after consuming the said spurious liquor. During the course of investigation, several accused persons were arrested and disclosure statements were recorded which led the investigating agency to unravel an alleged network engaged in the manufacture and distribution of spurious liquor through various liquor vends. As per the case of the prosecution, the name of the present petitioner has surfaced during the course of further investigation through disclosure statements of certain co-accused. In the present case, the investigation has revealed that the petitioner was allegedly



liquor vend through which the spurious liquor was distributed. The disclosure statements of the co-accused as well as the alleged recovery of documents and records relating to the sale of liquor from the vehicle of the petitioner *prima facie* indicate his involvement/connection with the illegal trade in spurious liquor. The offences alleged against the petitioner are grave in nature and involve serious allegations of conspiracy, illegal manufacture and distribution of spurious liquor which resulted in multiple deaths due to methyl alcohol poisoning. It is not in dispute that the petitioner has not been named initially and his implication is based upon the material collected during the course of investigation. It is also a matter of record that the investigation has culminated in the filing of the challan as well as a supplementary challan and charges have been framed by the Court below against the petitioner. The record further reflects that the prosecution has cited a large number of witnesses and the trial is currently at the stage of recording evidence.

8. The allegations in the instant case pertain to an incident involving the manufacture and circulation of illicit liquor leading to loss of human life which is a matter of serious concern. The prosecution case, at this stage, *prima facie* indicates the existence of a conspiracy involving multiple persons engaged in the supply and use of alcohol for the preparation of spurious liquor. The contention of learned counsel that the name of the petitioner does not figure in the initial FIR and he has been subsequently nominated does not, by itself, create a ground for grant of regular bail, as it is well settled that an accused can be arrayed during the



course of investigation if sufficient material surfaces against him. Moreover, such submissions would require deeper appreciation of evidence which cannot appropriately be undertaken at the stage of consideration of a bail petition. It is apt to mention herein that the petitioner has a long criminal history involving a large number of cases registered against him. Though in some of the cases he has been released on bail but the nature of the cases cannot be ignored while considering the plea for grant of regular bail. The criminal antecedents of an accused are a relevant factor while considering the prayer for bail, particularly where there is a reasonable apprehension that the accused, if released, may indulge in similar activities or may attempt to influence witnesses. Furthermore, the investigation conducted by the prosecution has brought forth the involvement of several persons in the alleged illegal activity and the allegation regarding financial investment in the liquor vend, though disputed by the petitioner, is a matter which requires examination during the course of trial. At this stage, it cannot be said that the role attributed to the petitioner is insignificant. The prosecution case specifically alleges that the involvement of the petitioner surfaced during investigation on the basis of material collected subsequently.

9. Furthermore, it is true that the petitioner has been languishing in custody for a considerable period but the seriousness of the allegations and his criminal antecedents weigh heavily against him. The material which has been placed on record does not show that the delay in trial is solely attributable to the prosecution. In such circumstances, long custody, by itself, cannot be treated as a ground for grant of bail. At this stage, no



accentuating circumstances have been made out which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience.

10. Considering the gravity of the offence, the stage of the trial and the overall facts and circumstances emerging from the record, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 16, 2026
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No