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

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**CRM-M No.36209 of 2025
Date of Decision: 14.01.2026**

Ramandeep @ Deepu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parminder Singh, Advocate and
Mr. Sukhdeep Singh, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.410 dated 09.11.2023 registered under Sections 120-B, 188, 201, 272, 308, 328, 420, 467, 468, 471, 472, 473 and 474 of IPC and Sections 61 and 63-A, 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020) at Police Station Mullana, District Ambala. The previous two petitions as filed by him has been dismissed as withdrawn.

2. As per the allegations, on the night of 09.11.2023, a secret

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information was received to the effect that the accused Kapil Pandit and Ankit @ Mogli along with other accomplices were engaged in the business of manufacturing illicit/spurious liquor in a factory and were selling the same in illegal manner thereby putting the lives of several persons in danger. It was also informed that they had kept machine and other material for manufacturing of spurious liquor in a sugarcane field and could be apprehended if raid was immediately conducted. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place which was a chemical factory situated within a revenue estate of Village Dhanora. Six bottles of illicit liquor, some burnt bottles, a water tank, drums/apparatus for manufacturing illicit liquor and several other articles were recovered from the spot which were taken into custody. The aforementioned FIR was registered. Investigation proceedings were initiated.

3. During investigation, the accused Uttam Singh and Puneet were apprehended on the same day. They were interrogated and suffered disclosure statements admitting their involvement in the crime. In pursuance of their statements, the co-accused Shekhar and Parveen were nominated as additional accused and they too were apprehended. Raid was also conducted at the godown of co-accused Ankit @ Mogli. Subsequently, accused Saurabh, Prince, Ravinder Pal Singh and Ankit @ Mogli were arrested. The accused Ankit @ Mogli suffered a disclosure statement on the basis of

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which the present petitioner was nominated as an accused on the allegations that he had sold ENA (Alcohol) to the accused Ankit @ Mogli. The petitioner was arrested on 15.11.2023 and he too suffered disclosure statement. Some other accused were also arrested. On 19.11.2023, recovery of 9500 fake country liquor bottles was effected from a car at the instance of accused Ankit @ Mogli. Some other accused were arrested further and were joined into investigation which now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He is in custody since long. The trial will take considerable time to conclude as only 09 out of 58 witnesses have been examined so far. His further incarceration would not serve any useful purpose. The co-accused Anshul Garg whose case is on similar footing has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. It is also argued that there is no new or substantive change in the circumstances on the basis of which the petitioner deserves to be extended benefit of bail.

6. This Court has considered the rival submissions.

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7. The petitioner is alleged to have supplied Extra Neutral Alcohol (ENA) to the co-accused for manufacturing of illicit liquor. However, no recovery has been effected from him. He is in custody since 15.11.2023. He is not required for further investigation. There are no chances of conclusion of trial in near future as only 09 out of 58 witnesses have been examined. The co-accused Anshul Garg whose case is on similar footing has been extended benefit of bail. The petitioner is in custody for a period of about 02 years and 02 months. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since the settled principle of law is that detention prior to trial should not become punitive. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled

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to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. Accordingly, the petition 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. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case and if it appears that it is on account of any act and conduct of the petitioner that further delay is being caused in the conclusion of the trial and further subject to his abiding by the following conditions:-

- (i) The petitioner will not tamper with evidence during trial.
- (ii) he will appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iv) any infraction shall entail in withdrawal of the benefit granted by this court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application



seeking cancellation of the bail.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

14.01.2026
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(MANISHA BATRA)
JUDGE

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