

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:048330



CRA-S-4001-2025 (O&M)

Arun @ Kala

... Appellant

Vs.

State of Punjab & another

... Respondents

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. Vaibhav Narang, 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 the order dated 07.11.2025 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, 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 the petitioner was indulged in manufacturing of spurious liquor and sale of the same to the inhabitants of some villages. By consuming the 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. The appellant and co-accused Sham Sunder were arrested on 13.05.2025. On interrogation, the appellant suffered a disclosure statement to the effect that he used to purchase liquor from co-accused Prabhjeet Singh @ Babu and Kuldeep Singh @ Jaggu and sold it further. He further disclosed that on 11.05.2025, accused Kuldeep Singh had supplied liquor prepared from Methanol at his house in his absence after contacting him on his mobile. On reaching home, he found that accused Kuldeep Singh had

delivered 8 polythene containing two bottles of 750 ml. each liquor. On 12.05.2025, he had sold one bottle to Romi, Gajju, Nathu, Sattu, Mulkh Raj, Sonu and some other co-villagers, whereby one bottle was taken by Amar Pal Singh. On coming to know about the death of Romi, he had disposed off the remaining liquor. During the course of investigation, some other persons were nominated as accused and were arrested. Investigation now stands concluded and the appellant along with co-accused is facing trial for commission of the aforementioned offences.

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 as while passing the same, the learned Court has ignored the fact that there was no material on record to show that he had ever participated in sale/supply or manufacturing of liquor. There was no direct evidence to link him with the commission of subject offences. The allegations are hear-say in nature. He is in custody since long. No recovery remains to be effected from the appellant. There is no forensic evidence to show that death of the victims occurred due to consumption of liquor supplied by the appellant. The trial will take considerable time to conclude. It is, therefore, urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and the appellant 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 along with co-accused Sunder, Kuldeep Singh, Sahib Singh @ Saba and Prabhjeet Singh sold poisonous liquor prepared from Methanol

resulting into death of victims Gajju and Romi. The appellant was very well aware that the liquor so sold was prepared from Methanol and could be fatal if consumed by some human. There is no illegality or infirmity in the impugned order and it is, thus, stressed that the appeal does not deserve to be accepted.

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 two of the victims, namely, Gajju and Romi. Though, he was named in the FIR, however, the documents placed on record do not reveal as to who had disclosed the name of the appellant as supplier of liquor to the victim. At this stage, there is also no material on record to show that the post mortem examination of the dead bodies of the above named victims was conducted and as to the reason of the death. 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. 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

her Aadhar Card, Passport, if any and PAN Card 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.

(MANISHA BATRA)
JUDGE

27.03.2026

harjeet

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