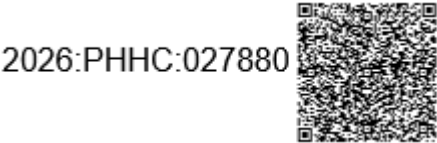


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-71258-2025 (O&M)

Pardeep Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

1.	The date when the judgment is reserved	18.02.2026
2.	The date when the judgment is pronounced	23.02.2026
3.	The date when the judgment is uploaded on the website	23.02.2026
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. S.S. Jattan, Advocate,
Ms. Sandeep Kaur, Advocate and
Ms. Varsha Choudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No.410 dated 09.11.2023, registered under Sections 201, 272, 308, 328, 120-B, 420, 467, 468, 471,

472, 473, 34 IPC (Section 188 of IPC stands deleted) and Sections 61, 63-A, 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), at Police Station Mullana, District Ambala.

2. As per the allegations, on 09.11.2023, a secret information was received by the complainant SI Karam Chand to the effect that the accused Kapil Pandit and Ankit @ Mogli along with other accomplices were involved in manufacturing fake/spurious countrymade liquor in the premises of an old factory existing in the area of Village Dhanaura, District Ambala. It was also informed that if raid was conducted, they could be apprehended while manufacturing illicit liquor. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and recovered some burnt empty liquor bottles, six bottles of fake liquor, wrappers having written "Taaza Malta", one electric machine of liquor making and several big as well as small plastic drums and one drum having fevicol and 90 empty plastic bottles. All these articles were taken into custody. The aforementioned FIR was registered. Investigation proceedings were initiated. The co-accused Uttam Singh, Puneet, Ankit and Nishant Rana were arrested. Accused Ankit @ Mogli suffered another disclosure statement on 19.11.2023 to the effect that in October, 2023, he had joined the petitioner and co-accused in the business of manufacturing spurious liquor and they had started manufacturing the same after arranging E.N.A./alcohol, labels, hallmarks etc. He further disclosed that on 06.11.2023, he along with the petitioner and co-accused had loaded boxes of spurious liquor for supply in different liquor vends of Yamuna Nagar and after receiving information that

several persons had died due to consumption of the same, he along with the present petitioner and other accused had removed all the articles relating to manufacturing of liquor from the factory premises and destroyed some of them. On his disclosure statement, the present petitioner was nominated as an additional accused. He was arrested on 22.12.2023. Other accused were also arrested subsequently. Investigation now stands completed.

3. 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 co-accused, which cannot be considered to be admissible in evidence. He is in custody for a period of 02 years, 01 month and 25 days. He was not named in the FIR. No recovery is to be effected from him. The trial will take considerable time to conclude as only 10 out of 48 prosecution witnesses have been examined so far. Several co-accused have been extended benefit of bail. His case is at better footing and as such, 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, therefore, argued that the petition deserves to be allowed.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. His complicity in the crime stands established from the evidence produced on record. The trial may be expedited. The petitioner is a habitual offender as he is involved in some other cases. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner along with the co-accused is alleged to have been involved in manufacturing and supply of spurious/illicit liquor, which took toll of several lives. He was nominated in this case on the basis of disclosure statement of the co-accused. The inference as to the extent of participation of the petitioner in the commission of subject offences can conclusively be drawn only on thorough assessment of the evidence to be produced during trial. He has been in custody for a period of 02 years and 02 months. The chances of conclusion of the trial in near future are bleak. His continued detention would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception and pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences.

7. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the trial Court informed about any change in his residential address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as

misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this 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 and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

23.02.2026

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE