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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-72979-2025 (O&M)

Date of decision: 16th March, 2026

Shamsher Singh @ Monu Rana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

CRM-9296-2026

Learned counsel for the petitioner, after arguing for some time,
seeks permission to withdraw the present application.

Permitted to do so.

Dismissed as withdrawn.

Main case

The instant one is the third petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail 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 and 34 of IPC and Sections 61, 63-A and 72-A of the Punjab Excise Act, 1914 (Haryana Amendment Bill 2020) at Police Station Mullana, District Ambala. His first petition bearing CRM-M-14011-2024 had

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been dismissed by this Court vide order dated 30.01.2025, whereas another petition has been disposed of vide order dated 15.09.2025 granting him interim bail.

2. The aforementioned FIR was registered on the allegations that on 09.11.2023, a secret information was received by the police to the effect that an illegal factory had been constructed in the vicinity of village Dhanora for the purpose of manufacturing illicit liquor. It was also informed that the said factory belonged to one Uttam Singh, who had given the same on rent to Kapil Pandit and Ankit @ Mogli. It was also informed that if raid was conducted, the aforementioned persons along with their accomplices could be apprehended while manufacturing spurious liquor. Believing the secret information to be true, a raiding party was immediately formed which reached at the informed place and recovered one electric machine for the purpose of liquor making, some plastic drums and several empty plastic bottles. Six bottles of country made liquor Taza Malta were also recovered from the spot.

3. After registration of FIR, investigation proceedings were initiated. During investigation, the accused Uttam Singh and Puneet were apprehended on the basis of secret information. They were arrested and suffered disclosure statements on the basis of which some other persons were nominated as co-accused. They admitted their involvement in the act of manufacturing spurious liquor. The accused Ankit @ Mogli suffered a disclosure statement on the basis of which, the present petitioner was nominated as an accused. He was in custody in connection with some other case and was joined into investigation of this case on 30.11.2023. He suffered

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disclosure statement admitting his involvement in the crime. Investigation qua him 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 was neither named in the secret information nor in the FIR. No recovery has been effected from him. He was already confined in jail in connection with some other offence since January, 2022 and therefore, there was no question of his involvement in this case. He is in custody since 30.11.2023. The trial will take considerable time to conclude. He is seriously ill and has been extended benefit of interim bail due to that reason. His medical condition is getting worse day by day and this fact finds support from the report of the jail doctor. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

5. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that there are serious and specific allegations against the petitioner who is a habitual offender being involved in several other cases. It is argued that the petitioner was actively involved in supplying illicit spurious liquor at various shops at Yamunnagar and Ambala which was prepared by accused Ankit @ Mogli and other co-accused. 20 persons have died after consuming this spurious liquor. However, it is very fairly conceded by learned State counsel that medical condition of the petitioner is critical and he is suffering from paralysis of bilateral lower limbs with bowel and bladder involvement with chronic bed sores. Therefore,

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it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner in connivance with the co-accused is alleged to be involved in sale of spurious liquor within the State of Yamuna Nagar and Ambala. By consuming such liquor, 20 persons are alleged to have died. The allegations make out a *prima facie* case for commission of subject offences against him. The petitioner is, however, in custody since 01.12.2023 i.e. for a period of about 01 year and 10 months. The trial is likely to take time to conclude since none out of 58 prosecution witnesses has been examined so far. Most of the offences except the offences punishable under Sections 308 and 328 of IPC are triable by Magistrate. Each day spent by the petitioner in custody has furnished a fresh ground in favour of the petitioner to seeks concession of bail. 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. Moreso, his medical condition is also not good. He is being treated for bed sores of grade IV, paraplegia of lower limbs and as per the medical report, no sensation in his limbs below the level of nipples. He needs high support for his day to day activities and for dressing and proper medical treatment. Taking into consideration the aforementioned facts and the circumstances peculiar to the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the

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satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

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 already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th March, 2026

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |