

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31249-2024
Date of decision:-27.05.2025

ANSHUL GARG

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Vinod Ghai, Sr Advocate with
Mr. Arnav Ghai, and Mr. Aayush Goyal, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

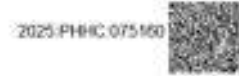
SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 26.05.2025 the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
249	08.11.2023	302, 307, 326, 328, 201, 467, 468, 471, 120-B IPC and Section 42(a) of the Prisoners Act and 72(A) of the Punjab Excise Act, 1914(Haryana Amendment Bill, 2020).	Farakpur, District Yamuna Nagar

3. Arguments heard.



4. It is *inter alia* contended by learned senior counsel representing the petitioner that the petitioner is having no concern with the allegations levelled in the FIR and has been falsely implicated in this case. He contends that the petitioner along with the co-accused were arrested in this case after being taken on production warrants and at that time there was nothing on record against the petitioner. The petitioner was arrested in FIR No. 410 dated 09.11.2023 Police Station Mulana, District Ambala on flimsy grounds earlier. He submits that on the basis of the disclosure statement recorded in FIR No. 410 dated 09.11.2023 (supra) the petitioner was implicated in the present case by the police, although the same has no evidentiary value. He submits that the petitioner has already been granted concession of bail in FIR No. 410 dated 09.11.2023 (supra) vide order dated 12.02.2024 passed in CRM-M-883-2024 (Annexure P-6). He contends that the allegations raised against the petitioner have been to the extent that he had a factory for the manufacture of sanitizer and therefrom he had supplied 'Extra Neutral Alcohol' to co-accused Ankit @ Mogli, which ultimately was used in the preparation of the spurious liquor. The Learned Senior counsel has assailed these allegations on the ground that neither the petitioner had supplied any such 'Extra Neutral Alcohol' as alleged nor the same was in stock with him at the relevant time, as the said factory of the petitioner had already been closed on 05.06.2020 and the concerned Excise Inspector had also certified the stock to be 'NIL' on that day. He contends that once the stock of alcohol was 'NIL' on 05.06.2020, then there was no occasion for the petitioner to supply the said 'Extra Neutral Alcohol' to the co-accused in the year 2023.

5. The learned Senior Counsel for the petitioner further submits



that even no such recovery has been effected from the petitioner so as to connect him with the allegations in any manner. He further submits that the petitioner is in custody since 15.03.2024 in this case and after conclusion of investigation, challan has already been presented in Court, wherein the prosecution has cited 138 witnesses and till date none has been examined. He contends that the petitioner cannot be allowed to be incarcerated without there being any plausible allegations against him, as such, prayed for grant of concession of bail to the petitioner.

6. *On the other hand*, learned State counsel referring to the reply submitted by the State, has contended that the petitioner was nominated in the present case on the basis of disclosure statement of co-accused Ankit @ Mogli in FIR No.410/2023 (supra) on the allegation of having sold the 'Extra Neutral Alcohol' to the co-accused, which was used for preparing spurious liquor. He contends that the petitioner has also given disclosure statement (Annexure R-7) during course of investigation, as such the petitioner being involved in heinous crime, is not entitled to concession of bail. Hence prayed for dismissal of the bail petition.

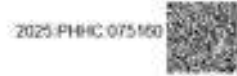
7. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of Prince Kumar to the effect that on 06.11.2023 at about 09:00 pm he alongwith Vishal had gone to house of Rocky for taking liquor and purchased one bottle from Rocky for ₹130/-. They consumed the liquor at the house of Rocky and returned to their houses. On 07.11.2023, at about 11:00 am, he along with Vishal started vomiting and after taking medicine the vomiting stopped. On the next day, however, their health deteriorated and they were



admitted to the hospital where Vishal expired. He alleged that Rocky and his companions had caused the murder of Vishal by selling poisonous liquor, hence FIR was registered.

8. During the course of investigation, on the basis of disclosure statement of co-accused Ankit @ Mogli recorded in FIR No. 410/2023 (supra) the petitioner along with co-accused Ramandeep Singh were nominated on the allegations of having supplied the 'Extra Neutral Alcohol' and petitioner was subsequently arrested in this case on 15.03.2024. After completion of investigation, challan has already been presented in Court, wherein, prosecution has cited 138 witnesses and till date none of them have been examined.

9. During course of arguments, it transpires that the petitioner has already been granted concession of bail in similarly lodged FIR on the basis of the alleged disclosure statement recorded in FIR No. 410/2023 (supra) vide order dated 12.02.2024 (Annexure P-6) passed in CRM-M-883-2024 and in FIR No.327 dated 09.11.2023, Police Station Barara, District Ambala vide order dated 15.04.2024 passed in CRM-M-16998-2024 (Annexure P-9) and also in FIR 451 dated 11.11.2023, Police Station Bilaspur, District Yamuna Nagar vide order dated 06.05.2025 passed in CRM-M-30612-2024. It is debatable as to whether the evidentiary value of the alleged disclosure statement recorded in another FIR No. 410/2023 (supra) being relevant in the present case and it is also debatable as to whether as per the report of the Excise Inspector mentioning the stock of the factory of the petitioner being 'NIL' on 05.06.2020, how co-accused procured alcohol from the petitioner in the year 2023. It is further debatable as to how the alleged disclosure



statement (Annexure R-7) of the petitioner himself in the present case recorded while in custody is admissible.

10. As stated above, the prosecution has cited 138 witnesses in the challan and till date none of them has been examined and the petitioner is in custody since 15.03.2024 and the conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time. Considering the aforesaid facts and circumstances and also the period of incarceration of the petitioner, no purpose would be served by detaining the petitioner any longer in custody.

11. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with the evidence of the prosecution in any manner.

12. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

13. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

27.05.2025

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No