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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-55434-2024 (O&M)  
Date of Decision: 08.01.2025

KARNI SINGH ALIAS KARANI SINGH .. Petitioner  
Vs.

STATE OF HARYANA ..Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Abhishek Kharb, Advocate and  
Mr. Rajat Singh, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.244 dated 08.09.2024, registered for the offences punishable under Section 61 of Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), Sections 223(a), 318(4), 336(3) 338, 340, 61 and 316(2) of BNS, 2023 (Section 316(2) of BNS added later on) at Police Station Sadar Tauru, District Nuh.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“Brief facts of the case are that on 8.9.2024, HC Qutbuddin along with constable Satendra number 676/Nuh, constable Sittu number 1086/Nuh along with vehicle government number HR-05GV-3016 ISUZU driver constable Vinesh No.866/Nuh were present at Khori bus stand for prevention of crime when a secret source informed HC Qutbuddin that Suraj son of Sitaram resident of Nuh in connivance with L-1 liquor contractor Sheeshram Tanwar, Tauru, under the guise of his L-1 and liquor contracts, prepares fake documents of illegal liquor and fills illegal liquor from Dharuhera (Rewari) and sells it. Even today the vehicle TATA 407 number HR-47F-6045 white in colour will be loaded with illegal liquor and will go from Dharuhera to Rangala if a blockade is made near Akeda Road Rathivas Temple then the above mentioned person Suraj can be caught along with the vehicle carrying illegal liquor. Believing the information to be true, the fellow employee was informed about the information and after firing the informer, after reaching the mentioned*

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*place, a proper blockade was started and the passersby were told about the blockade and then all of them expressed their helplessness and left. After some time, a white colour TATA 407 vehicle was seen coming from village Akeda (Rewari). The driver, on seeing the police blockade, stopped his vehicle on the side about 20 meters ahead and tried escape. HC Qutbuddin, with the help of DO a fellow employee, caught him and asked his name and address. The person told his name as Suraj son of Sitaram, resident of Old Rest House Road, Nuh, Police Station City Nuh, District Nuh. When the vehicle parked at the spot was checked, the front and back numbers HR-47F-6045 were found written on it. When the vehicle was checked inside the spot, it was found filled with country liquor. When Suraj was asked for the license/permit from the above-mentioned person regarding the liquor, it was found that Pass No.2996 L/34 dated 7.9.2024 MAPSKO MINERAL PVT. LTD. was found on the dashboard inside the vehicle. Budh vihar Ramgrah Road, 98 Near Daksh Parjapati Chowk, Rewari. Shop Name Industrial to Kapadiwas II, Particular Mastana Pint 250, Nip-330 Total 580 Suraj received by vehicle No.HR-47F-6045 Mob No.9813296387 on which no validity is written Sd/- Stamp Seal DHIRENDER Singh, Excise Inspector Authorised signatory.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 20.09.2024. Learned counsel for the petitioner has further argued that no criminal offence is made out against the petitioner and even if the allegations stated in the FIR/prosecution version are taken to be true, the case is at the most of a tax evasion inviting civil liability only. Learned counsel for the petitioner has iterated that the petitioner is the GPA holder of a licensed liquor dealer and has been involved only on the basis of disclosure statement made by co-accused which is untenable in nature.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 20.09.2024 whereinafter investigation was carried out & challan was presented on 16.10.2024. Total 16 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the

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parties; as to whether the prosecution case set up against the petitioner brings out criminal culpability; the veracity and weightage required to be attached to the factum of the petitioner being a GPA holder of a licensed liquor dealer as also the veracity of the prosecution evidence attached with the challan pertaining to the petitioner being involved on the basis of disclosure statement of the co-accused; shall be gone into during the course of trial. These are debateable issues which require ratiocination during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 07.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 03 months and 18 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.



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(v) The petitioner shall deposit his passport, if any, with the trial Court.

(vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**08.01.2025**

*Jasmine Kaur*

**(SUMEET GOEL)  
JUDGE**

Whether speaking/reasoned                      Yes    No

Whether reportable                                Yes    No