

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-24050-2024  
Reserved on: 03.07.2025  
Pronounced on: 30.07.2025

Vikrant Rana @ Shankar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Jattan, Advocate  
for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
387	10.11.2023	Chhapar, District Yamuna Nagar	304/328 IPC and Section 72A of the Punjab Excise Act 1914 (Haryana Amendment Bill 2020)(offence u/s 302 & 201 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC seeking regular bail.

2. Per paragraph 15 as well as custody certificate dated 01.07.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	157	01.05.2023	61/4/20 of Excise Act	Mullana, Ambala
2	416	11.11.2023	61/4/20 of Excise Act	Mullana, Ambala
3	410	09.11.2023	120B, 188, 201, 272, 308, 328, 420, 465, 471, 472, 473 IPC and 61-63A-4-20 of Excise Act	Mullana, Ambala

3. The facts and allegations are being taken from copy of FIR, which reads as follows:

*“Copy of contents are statement of Mohit son of Jagmal r/o village Saran Kumar no. P.S. Chapppar, district Yamuna Nagar aged about 20 years,*

*mb. 90538-xxxxx stated that I am resident of aforesaid address. I am doing M.A. Ist year in MPL College, Mulana. I am the only son of my parents. My father Jagmal was working as labourer in village with different-different mason. My father Jagmal was habitual of drinking to On liquor and used consume it everyday. 07.11.2023 my father has consumed liquor and next day, my father was not feeling well and complained of vomiting and my father after taking medicine went to his work. On 08.1.2023 my father came home after drinking liquor and on 09.11.2013 my father was fleeing dizziness in the morning and B.P.went high and our village's doctor Salinder came to our house for check-up of my father and give medicine to my father. But as my father was feeling difficulty in breathing. I, and my mother took my father for treatment to at Mustafabad Hospital and after to giving fist aid and oxygen my father was referred from Civil Hosptial Mustfabad M.L.G.H. Yamuna Nagar. At about 06.15/06.30pm we took our father in ambulance towards M.L.G.H. Yamuna Nagar, where after doing checkup my father was declared brought dead. My father used drink liquor after buying it from liquor sellers Raj Kumar @ Babli son of Hari Chand, Naresh Kumar @ Kubba son of Mangal Ram, Rajesh Kumar son of Puran Chand and Radhe son of Singh Ram residents of Saran. My father died due to consumption of poisonous liquor and today, I came to know that our village Anil Kumar son of Ved Parkash r/o Saran has also died due to drinking poisonous. Anil Kumar dead body is also lying civil Hosptial, Yamuna Nagar. The persons, who sold poisonous liquor to my father Anil Kumar and due to consumption of poisonous liquor, my father Jagmal and Anil Kumar died and appropriate action should be taken after finding out the persons, who sold that poisonous liquor. I got recorded my statement at civil host pail, Yamauna Nagar, which has been read over and correct. Sd/ Mohit Kumar 90538-94670 attested Surender singh SI P.S. Chahappar Dt. 10.11.2023.”*

4. Petitioner’s counsel submits that petitioner was arraigned as accused on the basis of disclosure statement of co-accused who was also arraigned as an accused on the disclosure statement of another accused and so on. Petitioner was friend of one Ramandeep Singh who was also nominated as accused.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any

offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply dated 01.12.2024, which read as follows:

*“That with regard to the supply of spurious and illicit liquor by the petitioner, the petitioner and co-accused Rakesh alias Radhe, Subhash, Raj Kumar alias Babli, Naresh, Surendra, Rajesh have suffered their disclosure statements. In this regard, the statement of the family members of the victims U/s 164 Cr.P.C. have been got recorded which proves the supply of said liquor by the petitioner to Rakesh @ Radhe, Subhash and Raj Kumar @ Babli and further supply of said liquor by above mentioned co-accused to Naresh, Surendra, Rajesh and the victims.”*

REASONING:

8. I have heard counsel for the parties. Analysis of the above would lead to the following outcome.

9. It would be appropriate to refer to following portion of the reply dated 11.08.2024 filed by the State, which reads as follows:-

*“ That as per the investigation conducted by the police there are total 27 accused in the present case out of which the challan against the petitioner and accused namely Rakesh Kuar @ Radhey, Rajesh Kumar @ Tidda, Surinder Kumar @Kuku, Raj Kumar @ Babli, Naresh Kumar @ Khumba, Gaurav Kumar, Gourav Kamboj, Kapil Sharma @ Bablu, Pardeep Kumar, Ankit Kumar @ Mogli, Shamsher @ Monu Rana, Ravish @ Monu, Sushil Kumar @ Tinku, Ravish, Subhash, Manga Ram, Amar Nath, Nishant Rana, Sudhir Singh @ Chhota and Mahinder Singh u/s 201, 302, 307, 328, 120B IPC, 1860 & 72(A)-4-2020 Excise Act have been submitted before the Court of Ld. Illaqa Magistrate, Yamuna Nagar on 09.02.2024.*

*20. That thereafter, the supplementary challan under the aforesaid sections against the accused Ramandeep @ Deepu, Puneet, Uttam, Anshul Garg, Parveen and Shekar have been submitted on 25-05-2024. All the above mentioned accused are in judicial custody. Now the above said case is fixed for 30.08.2024 before the Ld. Session Judge Yamunagar, for*

*consideration.*

*21. That as per the list of witnesses, there are 105 witnesses have been cited as prosecution witnesses and all the witnesses are yet to be examined. Charge is still to be framed against the accused persons.*

*22. That with regard to the role of petitioner, it is submitted that the petitioner was party to the criminal conspiracy and the petitioner hatched criminal conspiracy with co-accused Gaurav R/o Thamber etc. to sell illegal liquor. In pursuance of said criminal conspiracy, the petitioner and his co-accused namely Gaurav R/o Thamber used to put the fake liquor bought on contract in the Bolero vehicle bearing number HR-05-AD-5507 and sell it to Rakesh alias Radhe Shyam and Subhash resident of Saran in village Saran at the rate of Rs 1050/- per box. On 06.11.2023, petitioner and c-accused Gaurav R/o Thamber had given 15 boxes of country liquor to Subhash, out of which Subhash had given 8 boxes to Rakesh alias Radhe and sold the remaining liquor to different people in front of us. Apart from these two, petitioner had also sold 11 boxes of fake country liquor to Raj Kumar alias Babli resident of Saran on the same day. Out of these 11 boxes of spurious liquor, 5 boxes were sold to co-accused Naresh and Surendra S/o Mangal Singh and 3 boxes were sold to Rajesh S/o Puran Chand and the remaining three boxes were kept with the accused Raj Kumar himself. One of the bottles supplied by the petitioner led to the death of one Paramjeet and several others. The actual control of the business was in the hands of petitioner and his other co-accused. The petitioner along with other co-accused persons illegally sold the said spurious and poisonous liquor to different vendors of liquor vend. Several persons had consumed the liquor supplied by the petitioner which resulted in their death. Thus, the petitioner played active role in the commission of offence. The petitioner along with his co-accused has committed the aforesaid offences in a planned way.”*

10. Given above, allegations are based on disclosure statement and a large number of witnesses have been examined and the trial is at the advance stage. Therefore this Court deems it appropriate to grant opportunity to the petitioner to course correct.

11. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

12. Per the custody certificate dated 01.07.2025, the petitioner's total custody in this FIR is 01 year, 06 months & 28 days.

13. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

15. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

16. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

17. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

18. This order is subject to the petitioner's complying with the following terms.

19. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

20. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

21. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

23. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke the bails in all pending cases against the petitioner, before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

24. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

25. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

26. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

30.07.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.