

CRM-M-23925-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23925-2021

Date of decision: 02.07.2021

Avnash Singh @ Kalsi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.223 dated 02.08.2020, registered at Police Station City Tarn Taran, under Sections 328, 272 and 120-B IPC, Sections 326, 109 and 114 IPC (added later on) and Sections 61 and 63 of the Punjab Excise Act, 1914.

Learned counsel for the petitioner contends that neither the petitioner was named in the FIR nor any recovery was effected from him. The petitioner has been in custody for the last 10 months approximately. Lastly, he prays that the petitioner be released on bail.

Conversely, piercing into the arguments of the learned counsel for the petitioner, learned State counsel submits that there is sufficient material on record to establish the involvement of the petitioner in the

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crime and that he is also involved in another case bearing FIR No.221 dated 31.07.2020, under Sections 302, 304, 328, 326, 109 and 120-B IPC, Sections 61 and 63 of the Punjab Excise Act and Section 6 of Poisons Act, 1919, registered at Police Station Tarn Taran, wherein number of persons had either died or lost their eye-sight due to consuming of illicit spurious poisonous liquor supplied by the accused like the petitioner. The said hooch tragedy causing mayhem, had led to a massive public outcry.

I have heard the learned counsel for the parties.

As per the FIR, the petitioner along with co-accused had been involved in supplying/selling the illicit spurious country made liquor and alcohol. Such liquor containing poisonous substance, was sold to habitual drunkard from the poor strata of the Society, as a result of which, many people had lost their eyesight either completely or partially, besides the death of one Sukhwinder Singh @ Babbi-accused.

The petitioner is accused of a gruesome crime against the society at large. The modus operandi and the mensrea behind preparation of spurious country made liquor with the objective of selling it to the people from the underprivileged sections of Society, is a well thought-out design and the same has eaten into the very roots of the Society. One cannot lose sight of the various such like hooch tragedies reported in the recent past from different parts of the country, all leading to death of many number of persons from the marginalized sections of Society. As the people used to substance, go berserk under the allurements of the said liquor being cheap, none can speak of their prudence, at the dangling moment of addiction. It is this state of these hapless people, which is taken benefit of by the people

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like the petitioner. Hence, if such kind of persons are released on bail, they would further decay the very system of the Society and their such acts would render the Society full with widowed women; orphaned children and old and infirm parents with full of woes and sorrow tales.

The matter can be looked from another angle. The greed of the accused like petitioner is to earn money at the costs of lives of the innocent and poor people. For mere monetary benefits, if anyone plays havoc and commits brutality of killing the people through passive mode(s), such person having snatched from others the right to live with dignity, does not deserve any kind of leniency and has to be dealt with iron hands.

As would appear from the order dated 06.05.2021 passed by the trial Court, declining the petitioner's prayer for grant of regular bail, another case of similar nature i.e. FIR No. 221 dated 31.07.2020 under Sections 302, 304, 328, 326, 120-B, 109 IPC and Sections 61 and 63 of the Punjab Excise Act and Section 6 of the Poisons Act, 1919, registered against the petitioner. Thus, the criminal antecedents of the petitioner, speaks volumes.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

02.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No