

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONAL SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	Bail Application
Filing Number	1990/2021 Filing Date: 23.04.2021
Registration Number	1097/2021 Date of Registration: 27.04.2021
CNR Number	PBTT0100-2977-2021
Date of Decision	30.04.2021

Rajesh Kumar alias Bobby, son of Gurbax Singh, resident of House No.2814, Sector 21, Panchkula, Haryana.

---Applicant-accused

Versus

State of Punjab

---Respondent

FIR No.221 dated 31.07.2020

Under Sections 302, 304/, 328, 326, 109, 120-B of IPC, Section 61/63/1/14 of Excise Act and Section 6 of Poison Act, 1919

Police Station, City Tarn Taran

BAIL APPLICATION UNDER SECTION 439 Cr.P.C.

Present: Shri APS Saggu, counsel for the applicant-accused
Shri Charanjit Singh, Additional Public Prosecutor for State

ORDER

Applicant-accused has filed the instant second bail application under Section 439 Cr.P.C., seeking regular bail in the above noted case. His earlier bail application filed, under Sections 302, 304, 328, 120-B of IPC, Sections 61, 63 of Punjab Excise Act and Section 6 of Poison Act, on 14.12.2020 by my learned predecessor. Now the challan has been presented against the applicant on 10.02.2021 and he also had not filed bail application to seek regular bail under Sections 336 and 109 of IPC which otherwise have been added later on after initially registration of FIR under Sections 304, 304, 328, 120-B of IPC and Sections 61 of Punjab Excise Act.

2. The present case FIR has been registered on the basis of Ruqa sent by SI Manmohan Singh on 31.07.2020 wherein he stated that

he, along with other police officials, was present at Bohri Chowk in search of bad elements where he himself received information from informer that Ranjit Singh, Harjit Singh, Bhag Mal, Amrik Singh, Lakhwinder Singh, Piara Singh, Charan Singh, Balkar Singh, Sukhwinder Singh, Varinder Singh alias Vicky, Gurjit Singh and Gurmej Singh had died due to consumption of poisonous liquor and their bodies were cremated. FIR Under Section 304, 328, 120-B of IPC and Section 61 of Punjab Excise Act in the present case was accordingly registered.

3. The investigation was pressed into action. During investigation on 31.07.2020 SI Manmohan Singh along with other police officials went to the cremation ground and joined Vijay Kumar son of Harbans Lal in investigation who got recorded his statement that he is working as manager of Cremation Ground Trust Tarn Taran and he had kept proper record of the cremations and handed over a copy of register kept by him to SI. Thereafter SI Manmohan Singh along with other police officials went to the house of deceased Harjit Singh where his son Narinder Singh met and he got recorded his statement to the effect that his father was habitual drunkard. On 30.07.2020, around 7:30/8:00 P.M., his father purchased liquor from some unknown person and consumed the same. After having meals his condition deteriorated and they took him to Navjiwan Hospital, Tarn Taran, where he was declared brought dead and they had cremated his body without postmortem. Statement of Kuldeep Singh son of deceased Amrik Singh was also recorded wherein he stated that his father had consumed liquor on 30.07.2020 after purchasing the same from unknown person and at around 5:30 P.M. he had died due to the consumption of poisonous liquor. Statement of Harpreet Singh son of deceased Lakhwinder Singh was also recorded to the effect that that his father drank liquor on 29.07.2020 and on 30.07.2020 he (Lakhwinder

Singh) started vomiting and felt some pain in his chest. He was taken to Sandhu Hospital situated on Sarhali road where he was declared dead. Statement of Gurpreet Singh son of deceased Piara Singh was also recorded to the effect that on 30.07.2020 his father came home after drinking liquor as usual. His condition deteriorated and he died. Statement of Kulwant wife of deceased Bhag Mal was also recorded to the effect that during the night of 30.07.2020 her husband after drinking liquor fell down at Chaudhary Store near Sewa Devi College Road and died. She stated that her husband had died after consumption of poisonous liquor. Statement of Sawan Kumar son of deceased Ranjit Singh was also recorded on same lines regarding death of his father Ranjit Singh after consumption of poisonous liquor. Police department constituted separate police team to investigate this matter of deaths due to poisonous liquor on 1.08.2020 after receiving information regarding more deaths and loss of eyesight of villagers. On 1.08.2020 Gurpreet Singh son of deceased Piara Singh recorded his supplementary statement with SI/SHO Amritpal Singh to the effect that on 30.07.2020 his father had died due to the consumption of poisonous liquor. He stated that he has suspicion that his father had bought liquor from one Manjit Kaur wife of Bakhshish Singh, resident of Shalimar palace, Sarhali Road, Tarn Taran, and after consuming the same he had died. Manjit Kaur is habitual of selling illicit liquor. He further disclosed that he came to know that Kashmir Singh and Angrej Singh are habitual of preparing and selling illicit liquor. SI/SHO Amritpal Singh conducted raid in the house of Manjit Kaur from where a cane of illicit liquor was recovered by SI Amritpal Singh and Manjit Kaur was arrested. During investigation, on 1.08.2020, one Arshdeep Singh son of deceased Dharminder Singh got recorded his statement with ASI Tarsem Singh at Bohri Chowk Tarn Taran to the effect that his father Dharminder Singh

was a habitual drunkard. He stated that on 31.07.2020. His father had purchased liquor from someone who also is habitual of selling illicit liquor and in the evening around 6:00 P.M. condition of his father deteriorated. He was taken to Civil Hospital at Tarn Taran where he had died. His dead body is lying in the mortuary of Civil Hospital of Tarn Taran. Body of the deceased Dharminder Singh was taken into possession and sent for postmortem. One Rajwinder Kaur wife of deceased Darshan Singh also got recorded her statement on 1.08.2020 with ASI Tarsem Singh to the effect that her husband Darshan Singh was a rickshaw puller and a habitual drunkard person. On 31.07.2020 her husband came home around 8:00 P.M. after consuming liquor. His condition deteriorated whereupon he was taken to Civil Hospital of Tarn Taran where doctors declared him dead. His dead body is lying in the mortuary of Civil Hospital of Tarn Taran. Body of the deceased was taken into possession and sent for postmortem. ASI Balwinder Singh who was on patrolling received information from MHC Dilbagh Singh PP Bus Stand to the effect that one Paramjit Singh resident of Gokalpura had died due to consumption of illicit liquor whereupon ASI Balwinder Singh went to the house of the deceased where Deepak Singh son of deceased Paramjit Singh recorded his statement to the effect that on 31.07.2020 his father had consumed liquor and around 10:00 P.M. he had complained a pain in his chest whereupon they took him into the Civil Hospital of Tarn Taran where he was declared dead. His father has died due to consumption of poisonous liquor. Body of the deceased was taken into possession and sent for postmortem. One Nirmal Singh got recorded statement with ASI Harwinderpal to the effect that his brother Jhirmal Singh was a rickshaw puller and habitual drunkard person. On 30.07.2020 he had purchased liquor from some unknown person and on 01.08.2020 his condition

deteriorated. He was brought to the hospital where he was declared dead. Body of the deceased was taken into possession and sent for postmortem. During investigation bodies of Dara Singh, Kirpal Singh, Satnam Singh, Dilbagh Singh, Barqat Masih, Kulwant Singh and Lal Singh were taken into possession on 01.08.2020 and sent for postmortem by the investigation agency. During investigation, on 02.08.2020, bodies of Kanwaljit Singh, Jaspal Singh, Jatinder Singh, Kulwant Singh, Satpal Singh were taken into possession from the mortuary and sent for postmortem after receipt of information regarding their death due to consumption of poisonous liquor. During further investigation, on 3.08.2020, body of Kulwant Singh was also taken into possession from the mortuary and sent for postmortem after receipt of information regarding his death due to consumption of poisonous liquor. During investigation on 4.08.2020 body of Gurmukh Singh was taken into possession and sent for postmortem after receipt of information regarding his death due to consumption of poisonous liquor. On 6.08.2020 a special investigation team was constituted vide letter no. 2761-2766/DGP Punjab date 05.08.2020 in FIR No.253, dated 31.07.2020, Police Station Sadar, Tarn Taran and FIR No.221 (present FIR), dated 31.07.2020, Police Station, City Tarn Taran, relating to 84 deaths due to consumption of poisonous liquor. On 10.08.2020 production warrants of Kashmir Singh alias Phira and Angrej Singh (accused in FIR No.253, Police Station Sadar, Tarn Taran) were taken from court and they were arrested in the present FIR and joined in the investigation. Accused Kashmir Singh, during investigation, disclosed names of Amarjit Singh, Baljit Singh, Shamsheer Singh, all resident of village Pandori Gola, Gural Singh, Sukhdev Singh, Sukhdyal Singh, Atar Singh, all resident of village Dhotian, to be involved into the business of illicit liquor. During

investigation on 12.08.2020, accused Kashmir Singh further disclosed that Nirmal Singh, resident of village Bangalipur, Parkash Singh, resident of village Rataul, Gurjant Singh alias Bunty, resident of village Nike Jhite, Gurbaksh Singh, Bikramjit Singh alias Vicky, both resident of village Bhagupura, Hardeep Singh alias Kachu, resident of village Thoha, District Patiala, Rashpal Singh alias Shalu, resident of village Dhotian, Satnam Singh, Harjit Singh, both residents of village Pandori Gola, to be involved in business of illicit liquor. Their names were added in the list of accused in the present case FIR. On 14.08.2020 statement of victims Kuldeep Singh and Sukhdev Singh, who had lost their eyesight due to consumption of illicit liquor, were got recorded under section 164 of Cr.P.C. Accused Bikramjit Singh (already arrested in FIR No.218) was arrested and joined in the investigation of the present case FIR on 16.08.2020. Accused Kartari, Amarjit Kaur and Rupa, along with other accused, were also arrested. Accused Rajiv Joshi, Avtar Singh, Gurpal Singh, Sawinder Singh, Partap Singh, Anil Kumar, Avinash Singh, Gurjant Singh, Narinder Singh, were also arrested during investigation. Remaining accused persons were also arrested during the investigation. Statement of victims, who had suffered loss to eyesight due to consumption of illicit liquor, and of witnesses were recorded. Vide DDR number 36 date 31.08.2020, offence punishable under Section 302 of IPC was added in the present FIR. On receipt of report from chemical examiner, reports of postmortem examinations and after completion of investigation challan was prepared and presented in the court against the accused.

4. It is argued by the learned counsel for the applicant that applicant has been falsely implicated in this case merely on the basis of interrogation of co-accused Sukhdial Singh. It is submitted that statement

of co-accused qua the present applicant is otherwise not admissible in evidence in the absence of any other independent admissible evidence. Further it is submitted that applicant is not even named in the original FIR. Even after the nomination of the present applicant in this false FIR, no recovery of any spurious liquor or illicit liquor has been made from the applicant, which is ample proof of false implication of the applicant without there being any admissible plausible evidence brought on record during investigation. It is submitted that the co-accused Amarjit Kaur alias Sethni, Gurbaksh Singh and Anil Kumar from whom also, like the applicant, no recovery of illicit liquor was effected, already have been granted the concession of regular bail. Case of the applicant also stands on same footing and on the basis of parity the applicant is also entitled to be released on regular bail by allowing the present bail application. Otherwise also, it is submitted, that the applicant is in judicial custody since 12.11.2020. The conclusion of the trial is going to take sufficient long period of time especially on account of the prevailing conditions due to the outbreak of COVID-19 pandemic. No useful purpose is going to be served by keeping the applicant behind the bars of indefinite period of time. Therefore, it is prayed that the applicant may kindly be granted the concession of regular bail.

5. On the other hand, learned Additional Public Prosecutor for the State opposed the bail application and prayed its dismissal. However Investigating Officer, who is present in the court, conceded the fact no recovery of illicit liquor was effected from the applicant in this case during the investigation and that the applicant has been nominated in this case on the statement of co-accused Sukhdial Singh suffered during police custody and from Sukhdial Singh also no recovery of any illicit or spurious liquor was made during the investigation.

6. I have considered the contentions raised by both the sides.

7. Present case FIR has been registered against unknown persons. Investigation qua applicant is complete. During the investigation no recovery of any spurious liquor or illicit liquor or any other material, used to distil illicit liquor or alcohol, has been affected from the applicant to connect him with the contents of alleged secret information. There also is no other independent evidence collected to suggest if the applicant has been dealing in selling or distilling of spurious liquor. Nobody has seen the applicant selling any such spurious liquor to anybody. Applicant has been nominated in this case on the basis of statement made by co-accused Sukhdial Singh and even from Sukhdial Singh no recovery of any illicit or spurious liquor was made during the investigation. Culpability of the applicant is a matter of evidence, which can only be decided after the conclusion of complete trial. As submitted by the learned counsel for the applicant that co-accused also have been granted the similar concession of regular bail and on the basis of parity also the applicant is entitled for the grant of concession of regular bail. Applicant is in custody since 12.11.2020 and no useful purpose would be served by keeping the applicant behind the bars for an indefinite period, as the trial is unlikely to conclude in the near future. Rather he will be burden on State exchequer. As such, without commenting anything on the merits of the main case, applicant is ordered to be released on bail on furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount, subject to the conditions that the applicant shall not leave India without the prior permission of the court and the applicant shall not directly or indirectly make any inducement, threat or promise, to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial. However, it is made clear that observation made herein

above shall not be construed as an expression on the merits of the main case. Bail bonds not furnished. The bail application file is ordered to be attached with the main file.

Announced: 30.04.2021

**Kawaljit Singh
Additional Sessions Judge,
Tarn Taran
UID Number PB0155**

Dalip stenographer