

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-23958 of 2020 (O&M)
Date of decision : November 16, 2020

Baljeet Kaur

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Deepak Aggarwal, Advocate, for the petitioner
Mr. Jagmohan Ghuman, DAG, Punjab

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

The allegations against petitioner-accused Baljeet Kaur in case got registered by way of FIR No. 56 dated 4.8.2020, under Section 61 of the Punjab Excise Act, 1914, Police Station Kot Fatta, District Bathinda are that on 22.5.2020 on the basis of secret information, the police raided the dwelling unit of the petitioner and got recovered 50 liters of lahan.

Learned counsel for the petitioner inter-alia contends that

the petitioner is an aged lady and has been falsely implicated and that the entire allegations are based on hear-say being purely on secret information. It is further contended that neither the petitioner has been apprehended at the time of this recovery nor the very conscious possession of the premises from where the recovery has been made is established.

Learned State counsel opposed the bail on the grounds that the petitioner is facing number of such criminal cases and if allowed bail, she will again commit the offence.

Be so as it may. The recovery already stands effected. A debatable issue arises over the very element of conscious possession of the recovered contraband whether it was in the exclusive possession of the petitioner which can only be arrived at the trial upon evidence. Being a lady, it would be travesty of justice to send her behind the bars at this juncture.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish

regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

However, it is made clear that in case the petitioner commits any offence while on bail, the prosecution would be at liberty to move application for cancellation of the present bail.

November 16, 2020
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No