

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

CRM-M-35401 of 2021

Date of Decision: 31.08.2021

Jyoti

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arshdeep Singh, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 267 dated 23.10.2020, under Section 61 of the Punjab Excise Act, 1914 registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

As per the allegations in the FIR, on 23.10.2020, police received secret information that petitioner-Jyoti is preparing the liquor, acting on information, raid was conducted. The petitioner was seen stirring a plastic drum in the corner of the house and on seeing the police, she ran away. She was earlier known to ASI-Ravinder Singh, hence he recognised her and 30 kilograms of lahan was recovered.

Learned counsel for the petitioner submits that it is a case of false implication, the petitioner was not at the spot and lahan has been implanted.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. She submits that the petitioner is habitual defaulter, she is involved in two more FIRs under the Punjab Excise Act, 1914.

A usual story is put forth in this case that having a secret information raid is conducted and accused was able to flee. It raises a serious question on the ability and professionalism with which the raids are conducted.

Considering the facts and circumstances in totality, the petitioner is granted anticipatory bail subject to her joining investigation within a week. In the event of her arrest, the petitioner shall be released on bail subject to her furnishing adequate bail bonds to the satisfaction of the Arresting Officer. She is directed to join the investigation as and when called for. She shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

Before parting with the order, it would be appropriate to note that petitioner was known to one ASI and the period between raid and making an application for anticipatory bail spans to ten months, this itself is an indicator towards the efficiency with which these cases are being pursued by the investigating agency. If deemed appropriate, the higher officials may have a look in such cases for taking some remedial measures.

[AVNEESH JHINGAN]
JUDGE

31st August, 2021

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |