

208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 33310 of 2020 (O&M)
Decided on: 04.03.2021

Leelo

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.104 dated 02.08.2020 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Dorangla, District Gurdaspur.

The operative part of the order dated 18.11.2020, vide which interim bail has been granted to the petitioner, is reproduced as under:-

“...Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Ramesh Lal, he along with ASI Gurnam Singh, ASI Lekh Raj, Lady PHC Bhupinder Kaur, were on a patrol duty and they received a secret information that the petitioner – Leelo is involved in the business of selling illicit liquor and is waiting for the customers in her house right now and if a raid is conducted, she can be arrested with heavy quantity of illicit liquor. Thereupon, by preparing a raiding party, a raid was conducted at the

house of the petitioner and the accused was seen standing at the gate of her house but on seeing the police party, she ran away from the spot. On conducting the search of the house, 52 bottles of illicit liquor was recovered. The petitioner was later on, arrested on 18.09.2020.

Counsel for the petitioner has further argued that the petitioner is an old lady aged about 54 years and it is unbelievable that a police party comprising of 05 police officials, who had gone to her house in a police vehicle, could not arrest her. It is also submitted that the petitioner has been falsely implicated in the case only because of the fact that on an earlier occasion, she was implicated in some other cases.

In reply, counsel for the State could not dispute the fact that the petitioner was not arrested at the spot and was arrested later on, on 18.09.2020. It is also submitted that the petitioner is involved in some other FIRs as noticed in the order dated 17.10.2020 passed by the Additional Sessions Judge, Gurdaspur.

After hearing the counsel for the parties, I deem it appropriate to grant interim bail to the petitioner till the next date of hearing. The petitioner is directed to be released on interim bail subject to her furnishing fresh bail/surety bonds to the satisfaction of the trial Court.

Considering the fact that again it is a case where the police party fail to nab a victim who is a lady aged about 54 years, let this case be listed on 17.02.2021.

The Senior Superintendent of Police, Gurdaspur, is directed to file an affidavit about the physical fitness of all the police personnels, who were member of the raiding party after getting their medical examination done by a Board of Doctors to suggest whether they are capable of conducting such type of raids under the Excise Act or the NDPS Act.

The Senior Superintendent of Police, Gurdaspur, is

further directed to seek an explanation from the concerned SHO, as to why such police officials are deputed who are physically unfit even to nab an accused, who is a lady aged about 54 years, despite a secret information and no young lady police official was made a member of the raiding party.

The Senior Superintendent of Police, Gurdaspur, will also suggest the measures taken for improving the physical fitness of the police personnels....”

Reply by way of affidavit of the Senior Superintendent of Police, Gurdaspur, is already on record.

Counsel for the petitioner has submitted that the petitioner is an old lady and has not misused the concession of interim bail granted on 18.11.2020.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is involved in some other cases of similar nature.

After hearing the counsel for the parties, considering the fact that the petitioner was not arrested at the spot and was later on arrested, this petition is allowed and the interim bail granted to the petitioner vide order dated 18.11.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

04.03.2021
yakub

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No