

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

206

**CRM-M-34840-2020
Date of decision: 08.02.2021**

Veer Kaur @ Veero

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. AN Walia, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail in case FIR No.218 dated 04.08.2020 registered under Section 61 of the Punjab Excise Act, 1914 and Section 420 of the Indian Penal Code, 1860 at Police Station Beas, Amritsar Rural, District Amritsar.

As per the prosecution version on 04.08.2020, the police party headed by ASI Jang Bahadur conducted raid on the house of the petitioner on the basis of secret information leading to registration of the above said FIR against the petitioner and recovery of five cans of illicit liquor was made from the house of the petitioner who managed to escape therefrom.

While issuing notice of motion on 23.11.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail in case FIR No.218 dated 04.08.2020 registered under Section 61 of the Punjab Excise Act, 1914 and Section 420 of the Indian Penal Code, 1860 at Police Station Beas, Amritsar Rural, District Amritsar.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Raid was conducted on the basis of secret information regarding alleged sale of country made/illicit liquor by the petitioner and her son Sikander Singh. Her son Sikander Singh was arrested on the spot and recovery of five cans of alcohol was allegedly made from the house of the petitioner. The petitioner was not arrested from the spot. No recovery was made from her possession. The petitioner has no connection with the alleged recovery. The petitioner is not involved in any other case under the Punjab Excise Act, 1914. The petitioner is ready to join the investigation and her custodial interrogation is not required as the recovery has already been made.

Learned State Counsel seeks time to file reply.

Adjourned to 08.02.2021.

In case reply is not filed on that date, concerned SHO and Investigating Officer of the case shall remain present before this Court through video conferencing on that date.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of her arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C., interim anticipatory bail granted to the petitioner shall also be subject to the condition that she shall not commit any similar offence under the Punjab Excise Act, 1914 after her release on interim anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of anticipatory bail allowed to her."

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made on 23.11.2020, submitted that in compliance with order dated 23.11.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Jatinder Singh, acknowledged that in compliance with order dated 23.11.2020 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 23.11.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall join the investigation again if and as and when called upon to do so and shall comply with the conditions enumerated under Section 438(2) (i) to (iii) of the Cr.P.C. In view of Section 438(2)(iv) read with Section 437(3)(b) of the Cr.P.C. anticipatory bail granted to the petitioner shall also be subject to the condition that she shall not commit any similar offence under the Punjab Excise Act, 1914 after her release on anticipatory bail. In case of non-compliance of the above-said conditions, the petitioner shall not be entitled to the protection of anticipatory bail allowed to her.

08.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No