

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-34765-2020
Date of decision: 04.03.2021**

Simarjeet Kaur @ Seema Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rituraj Singh, Advocate for
Mr. Deepinder Brar, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 210 dated 25.09.2020 registered under Section 61/1/14 of the Excise Act at Police Station Sadar, Bathinda.

The operative part of the order dated 30.10.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that as per the prosecution version, on 25.09.2020, on receiving a secret information that petitioners are having illicit liquor/Lahan at the house of petitioner No. 1, the Excise Inspector, along with police party, prepared a raiding party and conducted a raid and a working distillery was found, however, petitioners ran away from the spot. They were identified by ASI Kewal Singh, who was a member of the raiding party.

Learned counsel further submits that petitioners are not involved in any other case, therefore, it will be a debatable issue how ASI Kewal Singh identified.

It is further submitted that petitioner No. 1 is a lady, aged about 31 years, and it is unbelievable that she succeeded

in running away in the presence of a raiding party consisting of number of officials.

Learned counsel further submits that though it is the version of the prosecution that the raiding party got a secret information that petitioner No. 1, who is a lady, is having illicit liquor at her house, however, no lady official was made part of the raiding party.

Notice of motion.

On the asking of Court, Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

List again on 17.02.2021.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 30.10.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 30.10.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

04.03.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No