

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

(1)

**CRM-M No.38444 of 2021
Date of Decision: 06.01.2022**

Kulwinder Kaur

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(2)

CRM-M No.38746 of 2021

Darshan Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. B.S. Bhalla, Advocate
for the petitioner(s).

Ms. Samina Dhir, D.A.G, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending their arrest in the criminal case registered at Police Station 'D' Division Amritsar vide FIR No.18 dated 10.02.2021, under Section 61 of the Punjab Excise Act, 1914 (for short 'the Act'), both the petitioners, above-named, have preferred the present petitions to seek the relief of anticipatory bail which are being taken up together for discussion and adjudication as these have arisen out of the same FIR.

Shorn and short of unnecessary details, the allegations, as

levelled in the subject FIR, are that on receipt of a secret information regarding both the petitioners and their co-accused Goga having been indulging in selling the illicit liquor, ASI Lajpat Rai, along-with other police officials and the officials of Excise Department, raided at the house of the petitioners but they and their said co-accused escaped from the spot and during the search of their house, total 700 bottles of illicit liquor were recovered.

Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Assistant Commissioner of Police, Sub-Division Central, Amritsar, in **CRM-M No.38444 of 2021** and learned State counsel has submitted that the same be read as such in the connected petition bearing **CRM-M No.38746 of 2021** also.

I have heard learned counsel for the petitioner(s) as well as learned State counsel in both the instant petitions and have also gone through the files thoroughly.

Learned counsel for the petitioner(s) has contended that petitioner Kulwinder Kaur is the real sister of petitioner Darshan Singh and said accused Goga and she has been residing at her parental home due to the matrimonial dispute between her and her husband and she was not present at the house at the time of the alleged recovery of the illicit liquor and has nothing to do with the same but she has been falsely implicated in this case and he has, further, contended that even petitioner Darshan Singh was also not nabbed at the spot and he has also been implicated in the instant case on the basis of false allegations.

Per contra, learned State counsel has argued that the recovery of 700 bottles of illicit liquor has been effected from the house of the petitioners and they had fled away from the spot on seeing the raiding party and moreover, petitioner Darshan Singh is facing trial in one more case under the Act besides the present case and his other family members are also involved in such like cases and it being so, both the present petitions be dismissed.

Concededly, the co-accused of both the petitioners named Goga @ Arvinder Singh has already been arrested in this case and the alleged recovery of liquor has also been effected. However, as regards petitioner Darshan Singh, he is facing trial in one more case of the similar nature as detailed in para 7 of the status-report. Keeping in view this fact as well as the huge quantity of the illicit liquor as allegedly recovered from his house, this Court is of the considered opinion that he (petitioner Darshan Singh) does not deserve the relief of anticipatory bail.

So far as petitioner Kulwinder Kaur is concerned, she is stated to have been residing at her parental house due to some matrimonial discord between her and her husband and is also not reported to be involved in any other criminal case of the similar nature. In these circumstances, this Court deems it appropriate to extend the concession of pre-arrest bail to her.

As a sequel to the fore-going discussion, it follows that the petition bearing **CRM-M No.38746 of 2021**, as filed by petitioner Darshan Singh, deserves dismissal. Resultantly, the same stands dismissed.

However, the petition bearing **CRM-M No.38444 of 2021**, as preferred by petitioner Kulwinder Kaur, is hereby allowed to the effect that in the event of her arrest, she shall be released on bail subject to her furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and shall strictly abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.

It is further clarified that in the eventuality of contravention or violation of any of the above-said terms and conditions by her (Kulwinder Kaur), the respondent-State shall be at liberty to seek the cancellation of the said relief as extended to her, by moving an appropriate application in this regard.

January 06, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*