

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

2023:PHHC:054948

CRM-M-36506-2022

Date of decision: 19.04.2023

Swaran Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.80 dated 18.04.2022 under Section 61 of the Punjab Excise Act, 1941, registered at Police Station Tanda, District Hoshiarpur.

Vide order dated 18.08.2022, petitioner was granted the concession of interim bail in the following terms:-

'The FIR was lodged on the basis of receipt of secret information to the effect that the petitioner was indulging in sale of illicit liquor. It is further the case of prosecution that pursuant to receipt of said information, a raid was conducted at the residence of the petitioner from where 18 bottles of illicit liquor were recovered but the petitioner somehow managed to escape.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that it is highly unlikely that the petitioner, who is a lady aged 47 years, would be able to give the police a slip. It has further been submitted that since the petitioner was never ever found at the spot, no sanctity can be attached to such recovery and she cannot be attributed conscious possession of the same.'

Learned counsel for the petitioner submits that in compliance of order dated 18.08.2022, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 26.12.2022, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the bail granted to him.

19.04.2023

ps-I

(MANJARI NEHRU KAUL)
JUDGE

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