

208 (1st case)

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

**CRM-M-576-2024 (O&M)
Date of decision : 22.02.2024**

Karmanpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishal Sharma (Vasudeva), Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.204 dated 10.12.2023, under Section 61 of the Punjab Excise Act, 1914, registered at Police Station Garhshankar, District Hoshiarpur.

(2) Above FIR was registered on the basis of a secret information that illicit liquor is being sold at Village Ghago Roranwali. Upon which, police party reached at the disclosed place and saw that one lady standing near six plastic bags and one plastic bag was carried by her in hand. On seeing the police party, she tried to flee from the spot; but was apprehended.

She disclosed her name as Palwinder Kaur. During search, 151 bottles of liquor make 11 ACE WHISKY “for sale in Chandigarh only” were recovered. On the basis of disclosure, made by aforesaid co-accused, petitioner was nominated as an accused with the allegations that petitioner has supplied the above said bottles.

(3) This Court, while issuing notice of motion on 08.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends that alleged contraband has already been recovered; thus custody of petitioner is not warranted, at this stage.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit in the matter.

Posted for 22.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and her custodial interrogation is not required.

(5) Learned State Counsel, on instructions from A.S.I. Ramesh, acknowledged that petitioner has joined investigation and as on today, her custodial interrogation is not required.

- (6) In view of above, interim order dated 08.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

22nd February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>