

CRM-M-15563-2024(O&M)

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2024:PHHC:042424

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15563-2024(O&M)

Date of decision : 28.03.2024

Harwinder Kaur @ Sukhdeep Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Mandeep Kaur, Advocate
for the petitioner.

Mr.Kunwarbir Singh, Asstt.A.G. Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0146 dated 23.08.2023 registered under Section 61 of the Punjab Excise Act, 1914 at Police Station Nehianwala, District Bathinda, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is a worker in a spinning mill at Bathinda and has never been involved in any criminal case and at the time of alleged raid, was not present in the premises from where, as per the case of the prosecution, the recovery of *lahan* has been effected. It is submitted that there was no independent witness joined by the police while entering the house in question and the said house belongs to the husband of the petitioner and not to the petitioner and the husband of the petitioner was arrested and has been granted regular bail vide order dated 25.09.2023. It is stated that at any rate,

recovery has already been effected and no recovery is to be effected from the petitioner and thus, no purpose would be served by arresting the petitioner. It is further stated that the petitioner would fully cooperate with the investigation.

3. Learned State counsel, on the other hand, has opposed the present petition and has submitted that the raid was conducted in the house which may be owned by the husband of the petitioner but as per the case of the prosecution, the petitioner also resides in the same. It is further submitted that the recovery of *lahan* has been effected from the said house and the petitioner has been named in the FIR. The fact that the petitioner was not in the house and also the fact that the husband of the petitioner has been granted regular bail and that the recovery has already been effected, has not been disputed.

4. Keeping in view the above said facts and circumstances moreso, the fact that the recovery in the present case has already been effected and the husband of the petitioner has been granted regular bail vide order dated 25.09.2023 and that the petitioner, who is a lady, is not involved in any other criminal case and the petitioner was not in the premises from where the recovery has been effected, the present petition for anticipatory bail is allowed and in the event of arrest, the petitioner is ordered to be released on bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

5. It is made clear, in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for

cancellation of the present anticipatory bail granted to the petitioner.

6. Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 28, 2024
Davinder Kumar

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