



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59674-2024
DECIDED ON: 28.11.2024

GURINDER PAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.121, dated 21.07.2024, under Section 61 of Punjab Excise Act, 1914, registered at Police Station Sidhwan Bet, District Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“That Station House Officer Sidhwan Bet today I HC, along with Constable, Tajinder Singh No. 216, Brinderjit Singh No. 966 were riding in government vehicle Bolero No. PB-10-GK-4168 whose driver was constable Sukhjit Singh No. 876, equipped with Laptop and Printer were Patrolling in the area Sidhwan Bet, where Constable Balveer Singh No. 03/IRB 775, of Excise Department-02 Ludhiana also join the police party in search of bad elements and At around 3:15 PM that the informant came

to me and informed me separately that Gurinderpal Singh alias Gindi Son of Hans Raj Resident of Biharipur Police Station Siddwan Bet Aged 35 Years of bearing characteristics of Mulla hair- cut and Dark Skin coloured and is an energetic (furtelia person who is engaged in selling illegal liquor after distilling in his own house. If the house of Gurinderpal Singh alias Gindi is searched at the village of Parjia Biharipur, then the illegal liquor can be recovered Gurinderpal Singh alias Gindi, the information is genuine and reliable so the ingredients of excise act is fulfilled and Ruka with regard to the case against Gurinderpal Singh for the offence of 61,1,14 of the Excise Act against Gurinderpal Singh alias Gindi, is being sent through Ins. Barinderjit Singh No. 966 to the police station Sidhwan bet for registering of the case. So the case be registered and the number will be informed to me DCR should be informed. I along with police persons going to the place of recovery for riding the spot .So today in area of Kishanpura Chowk Sidhwa Bet AT/-3:50 PM as per information of the HC Geetinderpal Singh posted at CIA. Jagraon, District Ludhiana Rural Date 21.07.2024, one the Ruka was received through constable Barinderjit Singh No. 966, with regard to above said, the case against the said accused Gurinderpal Singh alias Gindi was registered in the police station Sidhwan bet, Copy of the FIR is sent back to the investigation Officer HC Geetinderpal Singh through constable Brinderpal Singh.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner claims that he was at a relative's place in Fazilka when the police party had

visited the house of the petitioner twice on 21.07.2024, once between 11:00 a.m. and 12:00 p.m. and again between 1:00 p.m. to 2:00 p.m. and allegedly entered into his house, where only his two younger sisters (aged 12-13 years) were present, and took the keys of the rooms from one of the children but nothing was recovered there. The police again returned in uniform around 2:00 p.m. prepared a videography, and threatened to implicate others who opposed them. Thereafter, the petitioner contacted the SHO, stating that he would return from Fazilka and provide CCTV footage of the incidents. However, on 22.07.2024, the investigating officer, dressed in civil attire, removed the DVR of the CCTV camera from the petitioner's house while he was away and entered the house without a female constable, despite the presence of the petitioner's younger sister. The entire incident was captured on video and the pictures taken from said video footage picture are annexed as Annexures P-2 & P-3. It has been contended on behalf of the petitioner that from a perusal of CCTV footage taken from neighbouring house, it is crystal clear that the police party is returning in empty pickup vehicle meaning thereby nothing has been effected from the house of the petitioner and he has been falsely implicated in the present FIR.

On behalf of the State

Learned State Counsel appearing on advance notice, submits that the alleged recovery of illicit liquor was effected from the house of the petitioner and therefore, his custodial interrogation is required to ascertain to whom the petitioner had been selling the illicit liquor.

4. Analysis

Be that as it may, from a bare perusal of the photographs taken from CCTV footage (Annexures P-2 and P-3), it is crystal clear that the

police party returned in empty pick up vehicle and earlier also nothing was recovered from the house of the petitioner. Moreover, from the CCTV footage recovered from the neighbouring street, it can also be seen that the vehicle was empty. Further more the petitioner was also not present at his house at the time of raid which make the prosecution story doubtful.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

28.11.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No