



CRM-M-16980-2025
221 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-16980-2025
Decided on: 02.05.2025

Harbans Kaur and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioners.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
96	30.09.2024	Kulgari, District Ferozepur	61 of Punjab Excise Act 1914

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 10 of the bail petition, it is mentioned that petitioner No.1 is involved in one more FIR but he is not aware about the details and petitioner No.2 has no criminal history.
3. The facts and allegations are taken from the reply dated 27.04.2025, which reads as follows:-

“...it is submitted that FIR No.96 dated 30.09.2024 under Section 61 of the Excise Act, Police Station Kulgarhi, District Ferozepur, was registered against the petitioners as well as Darshan Singh son of Bachan Singh on the basis of the secret information received by HC Gurdarshan Singh. Pursuant to the secret information, a raid was conducted at the house of Darshan Singh. On seeing the police party, the petitioners and Darshan Singh managed to escape from the spot. 100 bottles of illicit liquor have been recovered from the said house. The same were taken into possession by the police.”



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4. Petitioners seek bail on parity with co-accused/Darshan Singh who was granted bail by this Court vide order dated 07.04.2025 passed in CRM-M-19104-2025. The petitioners’ counsel submits that petitioners’ case is rather on better footing as the liquor was recovered from house of co-accused/Darshan Singh and not from the present petitioners. He further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State’s counsel opposes bail.

REASONING:

6. Recovery of liquor has already been effected. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for anticipatory bail.

8. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. The bail order is subject to the petitioners’ complying with the following terms.



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11. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.