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

CRM-M-30385-2025

Date of decision: 29.07.2025

Baldev Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gurmeet Singh Saini, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.41 dated 18.04.2025 (Annexure P-1) under Sections 61/1/14 of Punjab Excise Act, registered at Police Station Kulgari District Ferozepur.

On 29.05.2025, the following order was passed:-

'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.41 dated 18.04.2025 under Section 61/1/14 of Punjab Excise Act, 1914, registered at Police Station Kulgari, District Ferozepur.

Learned counsel for the petitioners, inter alia, contends that nothing has been recovered from conscious possession of the petitioners. As per the case set up by the prosecution, the petitioners ran away from the spot and illicit liquor was recovered from their respective houses. Further, the place, from where the illicit liquor was recovered, is an open space and is accessible to all. Furthermore, the case set up by the prosecution is highly improbable, as petitioner No.1 is a disabled person and as per the medical certificate (Annexure P-2), his locomotive disability is 58%. As such, he cannot, in any manner, run, as his right leg is amputated and even he requires assistance for walking. The petitioners are not involved in any other case and they are having clean antecedents.

Notice of motion for 29.07.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory*



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bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law. '

Learned State counsel on instructions from ASI Malkit Kumar, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 29.05.2025 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.07.2025

Neha

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