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2025:PHHC:076211



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32612-2025
DECIDED ON: 17.06.2025

BALWINDER KAUR AND ANOTHERPETITIONERS

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lakshay Bector, Advocate for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of the B.N.S.S. for grant of anticipatory bail to the petitioners in F.I.R No.111, Dated 15.05.2025 under Section 61 of The Punjab Excise ACT, 1914, and Section 123 and 62 of the B.N.S, registered with P.S. Sidhwan Bet, District Ludhiana Rural.

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

“SHO, Police Station Sidhwan Bet "Jai Hind" Today, I, ASI along with S/CT Deepak Kumar No. 31, S/CT Balwinder Singh No. 398, and L/CT Gagandeep No. 70, on government vehicle PB-65AW-3214, equipped with laptop, printer, and investigation kit, am present at Kisanpura Chowk, Sidhwan Bet for patrolling and checking suspicious persons and vehicles. At that time, a secret informer met me and, after taking me aside, provided reliable and trustworthy information that Balwinder Kaur wife of Harwinder Singh, resident of Khursaidpura, Police Station Sidhwan Bet, District Ludhiana, and Harwinder Singh son of Jeet Singh,

resident of Khursaidpura Police Station Sidhwan Bet District Ludhiana, are preparing and selling illicit liquor made from poisonous/non-consumable substances, which has no certification of quality. Knowing fully well that the consumption of such liquor can endanger human life, they are fraudulently selling it to innocent people under the guise of distilled country made liquor and are thereby attempting to play with human lives. The informer also stated that even today, they are sitting near the cremation ground of village Khursaidpura, carrying illegal liquor in plastic cans, waiting for customers. If a raid is conducted immediately at the above said cremation ground, Balwinder Kaur and Harwinder Singh can be caught red-handed with a large quantity of intoxicating, poisonous liquor prepared from intoxicating substances. The information is true and reliable. The offence committed by Balwinder Kaur and Harwinder Singh falls under Section 61(1)(14) of the Excise Act and Sections 123 and 62 of the Bharatiya Nyaya Sanita (BNS). Therefore, this ruqga (written report) is being sent through S/CT Balwinder Singh No. 398 to Police Station Sidhwan Bet for registration of a case against the aforementioned accused. After registering the FIR, the FIR number should be communicated. Information is being conveyed to the District Control Room (DCR). 1, ASI along with accompanying police officials, am proceeding to the spot for conducting the raid. At Kisanpura Chowk, Sidhwan Bet Dated: 15.05.2025, at 02:45 PM.”

3. Contention

On behalf of the petitioners

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. He further contends that the alleged recovery was made from an undisclosed location which has no connection with the petitioners and the recovered property does not belong to them. Moreover, the petitioners were not present at the spot at the time of the alleged incident. He further asserts that there is no cogent material or credible evidence to connect the petitioners with the alleged contraband. It

has been contended that nothing is to be recovered from the present petitioners as the alleged recovery has already been effected. The petitioners are ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioners.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Sandeep Singh, AAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact. However, he seeks dismissal of the instant petition on the ground that the petitioners are habitual offenders as petitioner No.1 is involved in another case and petitioner No.2 is involved in seven other cases.

4. **Analysis**

Be that as it may, considering that the learned State counsel was unable to dispute the fact that the alleged location does not belong to the petitioners, and taking into account that their custodial interrogation is not warranted at this stage since the alleged recovery has already been made, there appears to be no further requirement for recovery from the petitioners. Furthermore, this Court also notes the undertaking given by learned counsel for the petitioners that they are ready and willing to join the investigation and fully cooperate with the investigating officer concerned.

5. **Relief**

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners do 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.

(SANDEEP MOUDGIL)
JUDGE

17.06.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No