



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-32953-2025
DATE OF DECISION: 20.06.2025

HIRA SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sukhbir Maandi, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No. 27, dated 23.04.2024, u/s 61/1/14 of The Punjab Excise Act, 1914, (lateron added offence u/s 78 (2) of Excise Act, Police Station Chohla Sahib, District Tarn Taran, keeping in view the peculiar facts and circumstances.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘To, officer-in-charge, Police Station Chohla Sahib. Jai Hind, today, I, ASI alongwith ASI Rajbir Singh/274/TT, HC Charanjit Singh 666/TT, S/CT Sikander Singh No. 146/TT along with Laptop, Printer and other accessories, on a Govt. vehicle which was driven by LR/ASI Gurbinder Singh 1088/TT and



Excise Inspector Mohit Kumar Gupta, Circle Patti along with ASI Swaran Singh 2/3055/IRB, HC Narinder Singh 2/415/IRB, S/CT Amarjeet Singh 6/612/IRB, S/CT Iqbal Singh 1/789/IRB on a private Vehicle with regard excise raid were going from PS Chohla Sahib to Gandiwind, Marhana etc. when the police party reached the Chowk Gandiwind then secret informer stopped the Vehicle and informed me ASI that one unknown person was taking illicit liquor in a Car bearing No. DL-3C-BW-3307, Mark Vento from the side of Village Kambo to Village Marhana if a Nakabandi be laid on the Bridge of Canal Marhana then the unknown persons can be apprehended along with illicit liquor. The information being solid, reliable and trustworthy, attracts the offence of 61/1/14 of Excise Act. Upon which, I ASI written a ruqa on Laptop and after taking print, ruqa has been sent through HC Narinder Singh 2/415-IRB to Police Station for registration of FIR. Case Number be intimated after registration of FIR. Control Room be intimated through email. I, ASI after relieving the informer along with fellow companions and Excise Staff were departure to Marhana Canal Bridge. Today, within the jurisdiction of Chowk Gandiwind at 7:30 PM. Sd/- Gurmej Singh, ASI PS Chohla Sahib, dated 23.04.2024. Police proceedings.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the petitioner was not named in the FIR and the same was registered against some unknown persons. The petitioner was nominated in the present FIR on the basis of the disclosure statement made by co-accused Kulwinder Singh, after 25 days of lodging of the FIR. As per the FIR, 395 bottles of illicit liquor were allegedly



recovered from the car which does not belong to the petitioner. He further submits that co-accused Kulwinder Singh has already been granted concession of anticipatory bail vide order dated 06.11.2024 passed in CRM-M-33659-2024.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that in the disclosure statement made by co-accused Kulwinder Singh, he stated that the recovered illicit liquor belong to the present petitioner and he was going to deliver the same to him at Ferozepur.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties the Court is of the view that nothing has been recovered from the petitioner; he was nominated on the basis of the disclosure statement of the co-accused from whom the alleged recovery of illicit liquor was effected added with the fact that he has been granted concession of anticipatory bail by the Co-ordinate Bench vide order dated 06.11.2024 passed in CRM-M-33659-2024, he was even not named in the FIR; the car from which the recovered was effected does not belong to the petitioner; moreover, no concrete material has been produced by the Stater Counsel to connect the



petitioner with the alleged offence; hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

20.06.2025
anuradha

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>