

**CRM-M-36801-2025**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****209****CRM-M-36801-2025****Date of decision : 07.08.2025**

Baby

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral)

1. This is a petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking for regular bail in a case arising out of FIR No.67 dated 14.06.2025 for the offence punishable under Section 61(1) of the Punjab Excise Act and Section 123 and 62 of the Bharatiya Nyaya Sanhita at Police Station Sadar, District Pathankot. The application for bail filed by the petitioner before the Court of learned Sessions Judge, Pathankot has been dismissed vide order dated 03.07.2025.

2. In brief, the allegations as contained in FIR in nutshell are that on 14.06.2025, when the police party headed by ASI Sartaj Singh was on patrolling duty near Village, they spotted a lady carrying a white coloured plastic can. As per prosecution version, when the abovesaid lady was spotted by the police party, she in order to avoid police party suddenly moved towards bushes and finding her behavior abnormal, she was intercepted with

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the help of Lady Constable. According to the prosecution, on enquiry, she disclosed her name as Baby (petitioner) and when the contents of the can were examined, it was found that in the abovementioned can, it was carrying countrymade liquor. The prosecution has further alleged that after extracting sample of the contents of the abovementioned can and when the quantity of liquor was measured, it was found to be 11,250 ml.

3. Heard.

4. Learned counsel for the petitioner has argued that the offence is triable by the Magistrate and the applicant being a female is entitled for lenient view. According to learned counsel for the petitioner, she has already served sufficient incarceration and the trial is not likely to be concluded in near future. Hence, she is entitled for bail.

5. *Per contra*, learned State Counsel, who was served with advance notice, has argued that irrespective of the fact that the State has not opted to file any formal reply to oppose the bail application, custody certificate of the petitioner has been placed on record. According to the learned State Counsel, the petitioner was caught red handed and the offence being serious in nature, she is not entitled for bail.

6. The record has been perused carefully.

7. In the instant case, following are the relevant factors which need to be taken into consideration: -

- a. that the petitioner/accused is already in custody since 14.06.2025;
- b. that the offence is triable by Magistrate;



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- c. that nothing is left to be recovered from the possession of petitioner/accused;
- d. that detention of the petitioner/accused in judicial custody is not likely serve any purpose.

8. If the cumulative effect of all the abovementioned factors involved in the instant case is taken into consideration, in my opinion, the petitioner is entitled for the benefit of bail.

9. Accordingly, the present petition is hereby allowed. The petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court concerned. In case, the learned trial Court concerned is not available on the date of furnishing bail bonds, the learned Sessions Judge would be at liberty to assign the abovesaid duty to any other Court.

10. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

AUGUST 07, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No