

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

265

**CRM-M-66535-2025
Decided on : 03.12.2025**

Jyoti

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Manoj R.Sharma, Advocate
for the petitioner.

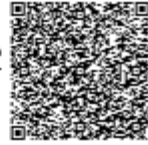
Mr. Amritpal Singh Gill, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.108 dated 13.10.2025, registered under Sections 111, 123, 62 of BNS and Section 61 of the Excise Act, 1914, at Police Station Shahpurkandi, District Pathankot.

2. Brief facts as per the prosecution case are that on 13.10.2025, SI Amanpreet Kaur along with his fellow police officials was on patrolling duty and on suspicion, apprehended the co-accused Parveen Kumari who was found in conscious possession of 7500ml of illicit liquor. Initially, the FIR was registered against the said co-accused.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and she has no concern with the said



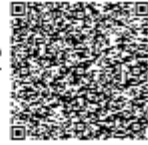
offence. He argued that neither the petitioner was present at the spot nor was named in the FIR. It has also been contended that the petitioner was nominated as an accused only on the basis of disclosure statement made by the above said co-accused Parveen Kumari. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible. No recovery is to be effected from the petitioner. The petitioner is in custody since 23.10.2025. As the investigation is still going on, the trial will take a long time to conclude and no useful purpose would be served by keeping her behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He submits that the petitioner is habitual of selling illicit liquor without any valid permit or licence and is involved in multiple other cases meaning thereby she is an habitual offender.

6. A query was raised by this Court to learned State counsel as to whether apart from the disclosure statement, any material has been found during investigation to connect the petitioner with the recovered liquor, to which he answered that there is nothing else to connect the petitioner with the offence.

7. The petitioner is sought to be arrayed solely on the basis of disclosure statement of co-accused. Suffice to say there is no other material



available to connect the petitioner with the recovered contraband. The veracity of the disclosure statement made by the co-accused will be subject to comprehensive scrutiny during the course of the trial and same cannot be a ground to decline the concession of regular bail to the petitioner.

8. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 01 month 08 days, the investigation is still going on and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. Her further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

9. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

10. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

03.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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