



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

116

CRM-M-70787-2025 (O&M)

Date of decision: 09.03.2026

BALWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Daljeet Singh, Advocate, for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 482 BNSS, 2023, for grant of anticipatory bail to the petitioner in case FIR No.191, dated 07.11.2025, under Section 61 of Excise Act, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. On 13.01.2026, the Co-ordinate Bench had passed the following order:-

“The instant petition under Section 482 of BNSS, 2023 (438 of Cr.P.C.), has been filed for grant of anticipatory bail to the petitioner in case FIR No.191 dated 07.11.2025, registered under Sections 61 of Excise Act, at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. Mandatory provision of Section 103 of BNSS regarding search has not been complied with. No independent witness was joined at the time of recovery. Petitioner was not present at the time raid was conducted and recovery was made. There is no evidence that the recovery is effected from the house of the petitioner, thus learned counsel prayed for grant of anticipatory bail to the petitioner as he is ready and willing to join the investigation.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab put in appearance as advance copy of petition had been served to respondent-State and upon instructions from ASI Sukhraj Singh submits that nine bottles of illicit liquor were recovered from the petitioner's house on the basis of secret information. The petitioner is also involved in two other cases of similar nature. However, he fairly admitted that the provision of Section 103 of BNSS was not complied with, and that no villager was willing to join the investigation as a witness. There are 2 more cases against the present petitioner under Section 61 of

Punjab Excise Act, hence, prayed for dismissal of petitioner's bail petition.

Heard.

Keeping in view the facts and circumstances of the present case; as per prosecution version, the recovery was effected from the house of the petitioner in his absence; provision of Section 103 of BNSS was not complied with during search; no independent witnesses were joined when the recovery was effected; as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, the petitioner is directed to join investigation as and when required by the Investigating Officer. In the event of arrest, the petitioner be released on interim bail on furnishing personal bail/surety bonds to the satisfaction of Arresting/Investigating Officer till the next date of hearing subject to the conditions as envisaged under Section 482(2) of the BNSS (erstwhile Section 438(2) Cr.P.C.).

Adjourned to 09.03.2026."

3. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

4. Learned State counsel on instructions from the Investigating Officer affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 13.01.2026 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 482(2) of BNSS, 2023.

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

09.03.2026

ashok

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