

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2025:PHHC:058130



(103)

CRM-M-23950-2025
Decided on : 03.05.2025

Gagandeep

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present : Mr.Mikhail Kad, Advocate, for
Mr.Rahul Verma, Advocate,
for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.72, dated 12.04.2025, under Section 61 of Excise Act, 1914, registered at Police Station Lehra, District Sangrur.

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

“Today myself ASI alongwith ASI Satpal Singh 2143/Sang, constable Satvir Singh 167/Sang, PHG Ram Singh 48358, jail post Chotian, alongwith laptop and printer, in a private vehicle were present at drain bridge, chotian in connection with patrolling and checking of suspected persons, then at about 6:30 PM, secret information was received from an informer that Sukhjit Singh s/o Pritam Singh r/o Bakhora Kalan, Police Station Lehra, District Sangrur is habitual of consuming drugs and selling the same. He has kept illicit liquor in his

house for selling the same, imported from Haryana. If the raid is conducted at the house of Sukhjit Singh, then a large quantity of illicit liquor can be recovered . Information was true and reliable. By keeping in his possession liquor brought from Haryana without any permit or licence, Sukhjit Singh made out an offence under section 61/1/14 Ex.Act. So ruqa is being sent for registration of a case against Sukhjit Singh s/o Pritam Singh r/o Bakhora Kalan, Police Station Lehra, District Sangrur, after writing sent through PHG Ram Singh 48358. After registration of the case, case no. be informed. In-charge control room be informed. In the jurisdiction of Drain bridge, chotian. Time 5:00 P.M. Sd/- ASI Amrit Lal 1743/sang, jail post chotian, Police Station Lehra, date: 12.04.2025. After receiving the ruqa above mentioned case for above mentioned offence registered. Entry got recorded. Case file alongwith original ruqa being sent to ASI Amrit Lal 1743/sang Jail Post Chotian P.S. Lehra for investigation at the spot through PHG Ram Singh 48358. Control room sangrur informed.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused namely Sukhjit Singh, from whose possession the alleged contraband i.e. 60 bottles of country-made liquor has been recovered. He further contends that the above-said co-accused has already been granted the concession of anticipatory bail vide order dated 21.04.2025 passed by the Trial Court. It has been contended on behalf of the petitioner that apart from disclosure statement, nothing incriminating has

been put-forth against the petitioner to connect him with the alleged commissioning of the offence. The petitioner is 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 petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jastej Singh, Addl. A.G., Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender as he is involved in ten more cases of Excise Act.

4. **Analysis**

Be that as it may, considering the facts that the petitioner has been nominated in the instant FIR only on the basis of disclosure statement of co-accused Sukhjit Singh, from whose possession 60 bottles of illicit liquor has been recovered, who has already been granted the concession of anticipatory bail vide order dated 21.04.2025 passed by the Trial Court; no incriminating material has been putforth by the prosecution to connect the petitioner with the alleged commissioning of the offence added with the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as "***Baljinder Singh alias Rock vs. State of Punjab***" decided on 02.03.2023, wherein, while referring to Article 21 of the Constitution of India, this Court has held that

no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial of concession of bail.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him 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 petitioner 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 petitioner does 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.

03.05.2025
sailesh

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No