



108

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32584-2025
DECIDED ON: 17.06.2025

BALJEET KAUR ALIAS GUDDI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Varun Jain, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 B.N.S.S. for the issuance of direction to the Arresting Officer to release the Petitioner on Bail in the event of her arrest in the FIR No.105 dated 14.05.2025, under Section 61/1/14 of Punjab Excise Act, P.S. Lehra, District Sangrur.

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

"Contents of Application: To, SHO, P.S. Lehra, Jai Hind, Today I ASI alongwith SC Richhpal Singh 784/ Sangrur PHG Karamvir Singh 48641 were on patrolling and were going in a private car alongwith laptop, printer and when reached bus stand Village Jhaloor then about 11:10 AM one secret informer informed us that Kaku Singh son of Kashmira Singh, Jaswant Singh son of Raghbir Singh and Guddi wife of Jaswant Singh,

residents of Village Jhaloor, Tehsil Lehra, District Sangrur have stored in their residential house as well as in a vacant plot illegal liquor and they used to supply the same in a Scorpio Car No.PB-13-BN-9235 colour white in different villages and today also illegal liquor is present in the said residential house as well as on the vacant plot. And if now today if raid is conducted on the residential house as well as on the vacant plot of Kaku Singh, Jaswant Singh and Guddi then recovery of illegal liquor could be recovered from there. Finding the said information to be correct the offence under section 61/1/14 of the Excise Act is found to be against the said Kaku Singh, Jaswant Singh and Guddi as they have kept illegal liquor on their residential as well as vacant plot. And as such case be registered against the said Kaku Singh, Jaswant Singh and Guddi. The said information is sent to the police station through PHJ Karambir Singh 48641. After registration of the case, the number be sent and the Incharge Control Room be informed about the said matter. I, ASI alongwith other police officials are going towards the residential house and vacant plot of said Kaku Singh, Jaswant Singh and Guddi. Sd/- ASI Suresh Kumar 11:40 AM"

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that he has been wrongly made accused in the present FIR being the wife of the main accused Jaswant Singh. Additionally, a simple review of the FIR shows that it was registered on the basis of secret information, casting doubt on the veracity of the prosecution's narrative. Further, as per the allegations, 200 ltrs. Lahan was recovered from vacant plot belonging to the husband of the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Sandeep Singh, AAG, Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the present case has

been registered on the basis of secret information, the raid was carried out and 200 ltrs. lahan was recovered from the spot. He asserts that the petitioner does not deserve the concession of pre-arrest bail, as he is involved in another case under the Excise Act only, meaning thereby, he is not a person of clean antecedents.

4. Heard learned counsel for the respective parties.

5. **Analysis**

Be that as it may, in case of criminal investigation, the normal procedure prescribed for curtailing the right to life & liberty, is that the investigating officer can arrest the accused even without warrant. The court has extraordinary power to protect an innocent person. However, this power has to be exercised by the courts with due circumspection.

6. **Conclusion**

The accusations against the petitioner are grave, as a substantial amount of 200 liters of illicit liquor (lahan) was seized from the location. The problem of illicit liquor production is particularly severe in Punjab, especially given the recent fatalities linked to its consumption. The fact that the petitioner was not caught at the scene does not automatically grant him the right to anticipatory bail. The recovery of such a significant quantity of illicit liquor serves as a critical factor in justifying the denial of anticipatory bail to the accused.

Moreover, the antecedents of the petitioner are also not good, as he is already involved in two more cases, out of which one case is of similar nature. The Apex Court in case **“Gudikanti Narasimhulu vs. Public Prosecutor, High Court of A.P.”; (1978) 1 SCC 240**, It has already been observed that the deprivation of freedom through the refusal of bail is not

intended as a form of punishment but rather serves the dual purpose of ensuring justice. It has also been noted that it is reasonable to examine the background of an individual applying for bail in order to determine whether they have a criminal history, especially one that indicates a likelihood of committing serious offences while on bail.

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNS, 2023 is somewhat extraordinary in character and it is to be exercised in exceptional cases.

7. **Decision**

Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby, dismissed.

(SANDEEP MOUDGIL)
JUDGE

17.06.2025
anuradha (a)

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