



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM -M-26666-2024

Date of Decision : **July 30, 2024**

VIKRAMJEET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.J.S.Sandhu , Advocate for the petitioner.
Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 24.5.2024, the following hereinafter extracted order was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.76 dated 02.05.2024, under Section(s) 21/29 of the N.D.P.S Act, 1985 (Section 27 of the N.D.P.S. Act, 1985, added subsequently), registered at P.S. Bhawanigarh, District Sangrur.

2. Succinctly stated, on the basis of a secret information, co-accused Rajvir Singh and Kulwinder Kaur were apprehended and 60 grams heroin was recovered from their possession, which was allegedly supplied by the petitioner.

3. The learned counsel for the petitioner submits that, neither the petitioner was apprehended at the spot, nor there is any allegation that he fled from the spot, rather the only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused (supra), from whom the alleged recovery of 60 grams heroin was effected, and as such, the said disclosure statement cannot be taken into consideration. Therefore, when even the allegedly recovered contraband falls under “non commercial quantity” and when there is no cogent incriminatory



material available with the investigating agency to connect the petitioner with the alleged crime, therefore, he deserves the concession of anticipatory bail.

4. Lastly, the learned counsel for the petitioner submits that the petitioner is not involved in any other case under the N.D.P.S. Act.

5. Notice of motion for 30.07.2024.

6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab. On instructions imparted to him by A.S.I. Tajinder Pal, he informs that although the petitioner is involved in three more cases, however, none of them pertains to the N.D.P.S. Act.

7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Paramjit Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 24.5.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No