



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36125-2024
DECIDED ON: 30.07.2024

JARNAIL SINGH ALIAS KALA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Samhita 2023 for grant of anticipatory bail to the petitioner in FIR No.34, dated 17.06.2024, under Sections 21, 29 of NDPS Act, 1985, registered at Police Station Talwandi Bhai, District Ferozepur.

2. Brief facts

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

"TO SHO PS Talwandi Bhai "Sat Sri Akal" Today 1 ASI along with ASI Naecharpal Singh No. 710/EZR, CT Hardial Singh 1091/FZR, CT Navdeep Singh 282/FZR, PHG Subhash Singh 5796, PHG Gurbinder Singh 5998 and SIC Sandeep Rani 1068/FZR on a Govt. vehicle make Scorpio bearing registration no. PB 65 BH 0669 left to our PS area Talwandi Bhai in relation to CASO operation and patrolling and checking of suspicious persons. When police party while patrolling, reached outside the house of Jarnail Singh (drug peddler) S/o Shingara Singh R/o Ajit

Nagar then outside the main gate of the house of aforesaid Jarnail Singh, one woman aged about 25 years carrying one polythene in her right hand with wrapped something in it, tried to escape rapidly by taking exit from the house. On getting the chance, SIC Sandeep Rani 1068/FZR apprehended this woman while she threw away the polythene, who asked her name and address as per my directions who told her name and address as Asha Rani @ Meenu D/o Jarnail Singh R/o Ajit Nagar PS Talwandi Bhai. The efforts were made to join the public witness into the police party before checking the polythene carried in her hand, but no one got ready. Then I ASI through the LSC got checked the polythene in her possession by getting its mouth opened, in which 25 articles wrapped in the pieces of polythene's were found. The recovered articles of Heroin along with the pieces of polythene's were weighed on a computerized weighing scale, which became Total 04 Grams of Heroin along with the pieces of polythene's. The parcel was prepared by putting all the articles in same polythene and by putting it in a plastic lid which was sealed with my seal bearing impression M.S. Sample seal was prepared separately. The compliance of Form No.4 was made. Whole of the case property was taken into the police possession vide separate memos of recovered Heroin. After use the seal was handed over to ASI Nacchatarpal Singh 701. As, aforesaid Asha Rani @ Meenu has committed the offence U/S 21/61/85 of NDPS Act by keeping the Heroin in her possession, The Ruga is being sent to PS by hand of CT Navdeep Singh 282/FZR for registering the case against her. Kindly inform the case no. after registration of the case. Issue the special reports. Kindly inform the PCR Ferozpur. I ASI am getting busy in investigation along with the fellow officials”

3. **Arguments of the petitioner**

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in the instant FIR

only on the basis of disclosure statement of co-accused Asha Rani @ Meenu, from whom the alleged contraband i.e. 04 grams of heroin was recovered, which falls within the ambit of small quantity.

4. Notice of motion.

5. On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and seeks dismissal of the present petition stating that the petitioner has been nominated as an accused in the present FIR on the basis of disclosure statement of Asha Rani, who is stated to be her daughter and it is highly improbable that as to why a daughter would falsely implicate her own father. Moreover, the petitioner is also involved in other cases of similar nature, meaning thereby, he is a habitual offender and the investigation of the case is at initial stage, therefore, the custodial interrogation of the petitioner is necessary to ascertain the true facts of the instant FIR.

6. **Order**

Keeping in view the fact that the petitioner has been nominated as an accused on the basis of disclosure statement suffered by Asha Rani @ Meenu added with the fact that the recovery whatsoever has been effected from the co-accused namely Asha Rani @ Meenu, the petitioner is directed to be released on anticipatory bail subject to his 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 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one

week, the order passed by this Court today shall automatically stands cancelled.

7. In the aforesaid terms the petition stands disposed off.

30.07.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

(SANDEEP MOUDGIL)
JUDGE

Yes/No

Yes/No