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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36423-2024

Date of Decision:- 27.09.2024

SANJEEV KUMAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Prateek Pandit, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

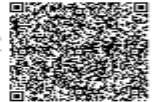
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AMARJOT BHATTI, J. (Oral)

1. Petitioner – Sanjeev Kumar has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.140 dated 15.05.2024 under Sections 21 and 29 of NDPS Act registered at Police Station City Kapurthala, District Kapurthala.

2. In pursuance of order dated 31.07.2024, petitioner was granted interim bail under Section 438 Cr.P.C. subject to the conditions detailed therein. Order runs as under:-

*“Petitioner Sanjeev Kumar has filed instant petition under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.140 dated 15.05.2024 under Sections 21 and 29 of NDPS Act registered at Police Station Kapurthala, District Kapurthala.*



*Learned counsel for the petitioner argued that 15 grams heroin was allegedly recovered from accused Sanjeev Kumar, who named Vinay Kumar. Present petitioner was not named in the FIR. Name of present petitioner came into light in subsequent disclosure statement. The alleged recovery falls in non-commercial quantity. He is ready to join the investigation.*

*Notice of motion.*

*On asking of this Court, Mr. Kewal Singh, Addl. A.G. Punjab accepts notice on behalf of State. He pointed out that present petitioner is involved in other cases also. He seeks an adjournment to file status report. May do so well before the adjourned date.*

*At request, adjourned to 27.09.2024.*

*In the meantime, in case petitioner is arrested, he be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 438 (2) Cr.P.C.”*

3. Status report has been filed wherein it is confirmed that present petitioner has already joined the investigation. However, he is involved in four other NDPS cases as detailed in para No.7 of the status report. Therefore, anticipatory bail application is opposed.

4. I have considered the aforesaid facts. Fact remains that in the case in hand, recovery of 15 grams heroin was effected from co-accused Sanjeev Kumar and present petitioner was named in his disclosure



statement.

5. Considering the nature of offence, no purpose would be served by keeping him behind the bars. Other FIR registered against him will be decided on its own merits. Therefore, anticipatory bail filed by petitioner is allowed and interim bail granted vide order dated 31.07.2024 stands confirmed with same terms and conditions.

27.09.2024

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(AMARJOT BHATTI)  
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No