



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.37534 of 2024
Date of decision: 24.09.2024

SHANKAR @ SHANKAR KUMAR**.... Petitioner**

Versus

STATE OF PUNJAB**.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Hitesh Verma, Advocate for the petitioner.

Mr. A.S. Samra, A.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No. 91 dated 12.07.2024, registered under Sections 22, 25 and 29 of the NDPS Act, 1985 and Section 223 of BNS at Police Station Barnala, District Barnala.

2. Vide order dated 21.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 21.08.2024, passed by this Court, reads as under:

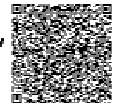
“Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No. 91 dated 12.07.2024, registered under Sections 22, 25 and 29 of the NDPS Act, 1985 and Section 223 of BNS at Police Station Barnala, District Barnala.



Brief facts of the case relevant for the disposal of the present petition are that on 12.07.2024, co-accused Husan @ Duna was apprehended by a police and recovery of 1020 tablets of Alprazolam and 4500 capsules of Pregabalin was effected from him. The petitioner has been nominated in this case on the basis of the disclosure suffered by the said co-accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Barnala but the same had been dismissed, vide order dated 25.07.2024.

Learned counsel for the petitioner has submitted that the petitioner has been falsely involved in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in law against the petitioner. He is not involved in any other case under the NDPS Act. The petitioner is ready to join the investigation. No useful purpose would be served by detaining him in custody.

Learned State counsel has filed the affidavit of the Deputy Superintendent of Police, Sub Division Barnala, which is taken on record. She has argued that aforesaid co-accused Husan @ Duna was apprehended and 4500 capsules of Pregabalin and 1020 tablets of Alprazolam were recovered. The petitioner has been nominated in this case on the disclosure of aforesaid co-accused and during investigation, it has been found that the petitioner has



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played significant role in subject offences. However, it is not disputed that the petitioner is not involved in any other case under the NDPS Act.

List again on 24.09.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 27.08.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 21.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

24.09.2024

Jyoti-IV

(MANISHA BATRA)**JUDGE**

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