



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207 CRM-M-38711-2024 (O&M)
Date of Decision: 03.10.2024

HANEEF ALI @ LATIF KHANPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Malkiat S. Hundal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
36	23.02.2024	Jamalpur, District Ludhiana	21 of NDPS Act Section 29 of NDPS (added later on)

2. Vide order dated 03.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 03.09.2024 is reproduced as under:-

“*Heard.*
The petitioner is making prayer for grant of anticipatory bail in case bearing FIR No. 36 dated 23.02.2024 registered under Section 21 of Narcotic Drugs Psychotropic Substances Act, 1985 (for short ‘the NDPS Act’) (Section 29 of the NDPS Act added later on) at Police Station Jamalpur, District Ludhiana, on the allegations that on 23.02.2024, a police party headed by

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ASI Visakha Singh was present at 100 feet road, village Dhanansu Chowk, Ludhiana in connection with crime detection and patrolling duty and was also checking vehicles, when a youth was found coming from village Dhansu side. He was tried to be stopped on the basis of suspicion. On seeing the police party, he at once took out, from the left back pocket of his jeans, a heavy transparent polythene bag and by throwing it, on the side of the road, he tried to flee. He was apprehended. On asking, he disclosed his name Shaukat Ali and also disclosed other particulars. He was formally arrested. On interrogation, he disclosed the name of the present petitioner as the person who was involved with him. On the basis of the same, the petitioner was nominated as an accused. Investigation proceedings were initiated and are underway. Apprehending his arrest, the petitioner Haneef Ali moved an application for grant of anticipatory bail which was dismissed by the learned Special Court, Ludhiana vide order dated 05.06.2024.

It is argued by learned counsel for the petitioner that he was neither named in the FIR nor was he present at the spot. The recovery of heroin was also not effected from him. He has been nominated in this case on the basis of disclosure statement of the co-accused Shaukat Ali which cannot be considered to be admissible in evidence. The co-accused has since been extended benefit of regular bail. The alleged recovery is of non-commercial quantity. Custodial interrogation of the petitioner is not required. Neither any recovery is to be effected from him. He is ready to join the investigation. The Investigating agency has not been able to show as to how he was connected with this case. Therefore, it is urged that he deserves to be extended benefit of bail.

Notice of motion for 03.10.2024.



On asking of the Court, Ms. Ruchika Sabherwal, Sr. DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to file reply.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds 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 filed status report dated 02.10.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 03.10.2024. It is further submitted that on the basis of disclosure statement of co-accused, the present petitioner was nominated as an accused. No recovery has been effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 03.09.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

03.10.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable | Yes/No |