



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-39878-2024(O&M)
Date of Decision: 05.11.2024

KAMALDEEP SINGH
STATE OF PUNJAB

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Bhupinder Bhagga, Advocate for the petitioner.
Mr. Amandeep Singh Samra, AAG, 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
65	29.06.2024	Rahon, District SBS Nagar	22 & 29 of NDPS Act (Section 29 NDPS Act added later on)

2. Vide order dated 09.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 09.09.2024 is reproduced as under:-

“Prayer in this petition, filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short BNSS), is for grant of anticipatory bail to the petitioner in FIR No. 65 dated 29.06.2024, registered under Sections 22 and 29 (added later on) of the NDPS Act, 1985 at Police Station Rahon, District SBS Nagar.



Brief facts of the case relevant for the disposal of the present petition are that on 29.06.2024, co-accused Jinder Singh @ Jinder was apprehended by a police party and recovery of 28 loose intoxicant tablets was effected from him. He was formally arrested at the spot. On 30.06.2024, the aforesaid co-accused recorded disclosure statement, wherein he disclosed that the petitioner, who was running a clinic, used to sell intoxicant tablets at his clinic. He further disclosed that the petitioner had asked him to sell intoxicant tablets with an offer to give him money and intoxicant tablets in lieu thereof. On the basis of this disclosure statement, the petitioner has been arraigned as accused in this case. Investigation is going under way. Apprehending his arrest, the petitioner had moved an application before the Court of learned Judge, Special Court, SBS Nagar for grant of anticipatory bail but the same had been dismissed, vide order dated 02.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of disclosure statement of aforesaid co-accused, which is not admissible in evidence. He is not involved in any other case under the NDPS Act. He has clean antecedents. More so, the alleged recovery of the contraband effected from the aforesaid co-accused is not of commercial quantity. The co-accused, on whose disclosure has been nominated in this case as accused, has been granted concession of regular bail, vide order dated 14.08.2024. The petitioner is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody.

Notice of motion.

Learned State counsel, who has advance notice of the petition, has filed the status report, which is taken on record.



List again on 05.11.2024.

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 482(2) of BNSS.”

3. Learned State counsel filed status report dated 04.09.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 12.09.2024. No recovery has been effected from the petitioner. He was nominated on the basis of disclosure statement of accused-Jinder Singh @ Jinder. 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 09.09.2024 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.

05.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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