



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209 CRM-M-42907-2024 (O&M)
Date of Decision: 03.10.2024

ROBIN @ ROBAN ...Petitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Dinesh Trehan, 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
22	07.02.2024	Sadar Jagraon, District Ludhiana Rural	21/25 of NDPS Act (Section 29 of NDPS Act added later on)

2. Vide order dated 02.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 02.09.2024 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 case arising out of FIR No. 22 dated 07.02.2024, registered under Sections 21, 25 and 29 (added later on) of the NDPS Act, 1985 at Police Station Sadar Jagraon, District Ludhiana.



Briefly stated facts of the case are that on 07.02.2024, co-accused Arshdeep Singh @ Bobby was apprehended by a police party and recovery of 150 grams of heroin was effected from him. The petitioner was nominated in this case on the disclosure statement suffered by the aforesaid co-accused, wherein he stated that he had procured the recovered contraband from the petitioner. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Ludhiana but the same has been dismissed, vide order dated 09.08.2024.

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. Co-accused Arshdeep Singh @ Bobby, on whose disclosure the petitioner has been nominated in this case, has been granted concession of regular bail, vide order dated 19.04.2024, passed by the learned Judge, Special Court, Ludhiana. More so, the alleged recovery effected from the co-accused does not fall under the commercial quantity. 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, seeks some time to file the status report.

List again on 03.10.2024.

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 02.10.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 12.09.2024. 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 02.09.2024 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 |