



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-42666-2024 (O&M)
Date of Decision:-16.12.2024

Hemant @ Himmat Singh @ Miti ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- None for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Amarjit Singh.

FIR No.	Dated	Police Station	Under Section/s
46	6.6.2024	Kathunangal, District Amritsar	21-B, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J.(Oral)

- The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
- At the time of issuance of notice of motion, the following order was passed
on 31.8.2024:

“This petition has been filed under Section 482 of BNNS, 2023
(Section 438 of Code of Criminal Procedure) for grant of
anticipatory bail to the petitioner in case FIR No.46, dated
06.06.2024, under Sections 21-B, 29 of NDPS Act, 1985,
registered at Police Station Kathunangal, District Amritsar.

Learned counsel for the petitioner *inter alia* submits that the
petitioner has been falsely implicated in the present case.



Petitioner is not named in the FIR. He has been nominated on the basis of disclosure statement of co-accused Rajesh Kumar alias Bhaya. The alleged recovery is of non-commercial quantity. He is not involved in any other case.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks some time to file status report.

Adjourned to 16.12.2024.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the conditions as envisaged under Section 482 (2) Cr.P.C.

Status report be filed by the State before the next date of hearing with an advance copy to the counsel opposite.”

3. Reply by way of affidavit of Shri Jaspal Singh, P.P.S. Deputy Superintendent of Police, Sub-Division, Majitha, Amritsar (Rural) has been filed by learned State counsel, which is taken on record.
4. It has been deposed in the reply that the petitioner has joined investigation. However, as per the said reply a prayer has been made for dismissal of the petition.
5. Learned State counsel, upon instructions from ASI Amarjit Singh, has informed that the petitioner has joined investigation.
6. The matter pertains to recovery of 17 grams of ‘heroin’ from co-accused Rajesh Kumar, who is stated to have nominated the petitioner in his disclosure statement.



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- 7. Having regard to the facts and circumstances of the case particularly the fact that the petitioner had never arrested at the spot, it goes without saying that the question as regards his complicity would be debatable.
- 8. The instant petition, as such, is accepted and the interim directions issued by this Court vide order dated 31.8.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 482 BNSS.

16.12.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No