

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-43600-2024 (O&M)
Date of Decision:- 19.12.2024

BALRAJ SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Pragyat Bhardwaj, Advocate for the petitioner.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
247	29.05.2024	18 of the NDPS Act; 42 of the Prisons Act; (25 and 29 NDPS Act and 120B and 201 IPC added later on)	Ram Nagar, District Karnal

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 23.09.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions received from ASI



Sandeep Singh, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 23.09.2024, the following order was passed:-

“As per the version of prosecution, on 29.05.2024 on the basis of secret information, the employees deputed in Barack No. 142 QRT team, check Head Warder Satprakash conducted search and 38 grams of black colored intoxicant material like opium along with polythene was recovered from Gurpreet Singh @ Bhajji and is presently confined under life imprisonment. On inquiry, he states that same was given to him by Sonu and he further disclosed that he got the money transferred into his bank account through his family members. Thereafter when inquiry was conducted, Sonu disclosed that said material was brought and given to him by Warder Balraj Singh. He further states that the father of Gurpreet @ Bhajji had given money to Bhupinder Singh, who was released on bail and he purchased the said intoxicant material and had given the same to Balraj Singh. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner has been nominated on the basis of disclosure statement made by the co-accused.

Status report by way of an affidavit of Meena Kumari, HPS, Deputy Superintendent of Police, Women Safety, Karnal has been filed and the same is taken on record.

On asking, learned State counsel submits that a sum of Rs.16,000/- as mentioned in the report received by the petitioner from Bhupinder Singh and was encashed and at this stage, there is no evidence regarding payment of the said money. The only evidence against the petitioner is the disclosure statement. He further submits that petitioner is working in the Police Department for the last 13 years and he has no other criminal record.

The specific role assigned to the petitioner has been mentioned in Para No.7 of the status report which is as under:-



“That specific role has been attributed to the petitioner/accused in committing the offence. The petitioner/accused had charged Rs. 16000/- from accused Bhupinder Singh, who came on parole from the District Jail and in lieu of this, he/ petitioner had supplied opium to accused Gurpreet and Sonu in Jail during his duty hour. In this way, the petitioner being a member of the discipline force has also tarnished the image of the police department. Moreover, during the investigation statement of Prisoner SatishS/o Jogi Ram No. 19068, Barrack 6-A was recorded, in which he stated that when he came out for the washroom in the night on 29.05.2024, then Balraj call him to wake up Sonu. On this he woke up the accused Sonu and send him outside to Balraj Warden. Moreover copy of the duty register was collected by the Investigating Officer from the Jail Authority, which reflects the clear involvement of the present petitioner. ”

List on 19.12.2024.

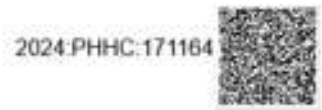
In the meantime, the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 23.09.2024 passed by this Court, interim bail granted vide order dated 23.09.2024 is hereby confirmed, subject to



conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

19.12.2024
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |