



211/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:09.12.2024

(i) CRM-M-43911-2024

Harpreet Singh ...Petitioner
vs.
State of Haryana ...Respondent

(ii) CRM-M-43997-2024

Ashwani Kumar ...Petitioner
vs.
State of Haryana ...Respondent

(iii) CRM-M-42031-2024

Rajbir Singh ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Satnam Singh Gill, Advocate
for the petitioners in all petitions.

Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

N.S.Shekhawat J.(oral)

1. This order shall dispose off above-said three petitions i.e. CRM-M-43911-2024, titled as Harpreet Singh Vs. State of Haryana, CRM-M-43997-2024 titled as Ashwani Kumar Vs. State of Haryana and CRM-M-42031-2024 titled as Rajbir Singh Vs. State of Haryana, whereby the petitioners have prayed for grant of anticipatory bail to them in case FIR No. 167 dated 02.08.2024 registered under Sections 127(2), 3(5) of BNS, 2023, Sections 22/26 of NDPS Act, and Sections 107/108 of Mental Health Act, 2017, at Police Station Kalka,



District Panchkula.

2. Learned counsel for the petitioners submit that the petitioners were running a De-addiction Centre and were granted the license w.e.f. 12.01.2022 to 11.01.2025 by the Director of Social Justice and Empowerment, Haryana. However, the license was illegally canceled on 10.08.2023. He further contends that the matter regarding renewal of license of De-addiction Centre is pending with the concerned authorities. Learned counsel further contends that the FIR in the present case has been registered under Sections 127(2), 3(5) of BNS, 2023, Sections 22/26 of NDPS Act, and Sections 107/108 of Mental Health Act, 2017, Police Station Kalka, District Panchkula. He further contends that the offence under Section 107 of Mental Health Act, 2017 is punishable with fine only, whereas Section 108 of Mental Health Act, 2017 is punishable with imprisonment up to 06 months or fine. The offence under Sections 22/26 of NDPS Act would be debatable in the peculiar facts and circumstances of the present case. Further, the offence under Sections 127(2), 3(5) of BNS is punishable with imprisonment, which may extend to one year. He further contends that in fact, the entire case of the prosecution is at the worst make out an offence under the provisions of Drugs and Cosmetics Act and the FIR may not be maintainable against the petitioners. Learned counsel further contends that all 46 persons, who were found in De-addiction Centre, have already been released.

3. On the other hand, separate replies in all petitions have been filed by learned State counsel in Court today and the same are taken on record. Learned State counsel has vehemently opposed the submissions made by



learned counsel for the petitioners on the ground that the petitioners are involved in a serious crime and their custodial interrogation are required.

4. I have heard learned counsel for the parties and perused the record.
5. In the present case, 46 persons were found in De-addiction Centre, which was being run by the petitioners after getting approval from the competent authorities. However, later on, the said direction was withdrawn by the authorities and the matter is still pending for renewal of license of De-addiction Centre. Even the recoveries have already been effected in the present case and the custodial interrogation of the petitioners may not be required in the present case.
6. Without commenting any further on the merits of the case, all the petitions are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482(2) of the BNSS.

09.12.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No