



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45195-2024
DECIDED ON: 12.09.2024

PAWANPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Kirandeep Kaur, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.41, dated 12.04.2024, under Sections 21(B), 29 of NDPS Act, 1985, registered at Police Station Khalra, District Tarn Taran.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Station House Officer Khalra, today myself ASI along-with ASI Sukhwinder Singh 503/T.T, HC Jagroop Singh 619/T.T, S/CT Manjinder Singh 173/T.T upon government vehicle No. PB46J 5372 whose driver is ASI Bachitar Singh 1774/TT, with regard to search and patrolling were going from dhall to mari megha and when police party reached near Girjha Ghar at Mari Megha then in the street two cutsurd boys were sitting on ground and were keeping something on polythene bag and were

distributing among themselves, who upon seeing vehicle of police party tried to ran away by leaving substance kept in equal quantity on the polythene bags, who were apprehended by myself ASI along-with the help of the police officials and asked about their name and address, who accordingly told their name as Lovepreet Singh @ Labha son of Major Singh resident of Mari Megha and karanpreet Singh @ Karan son of Hardev Singh resident of Mari Megha, who were asked about the separate substance kept on the polythene bag, that what it is, who told that it is heroine and we have distributed among ourselves and upon seeing you we tried to ran away but you have apprehended us. Upon which on the instructions of myself ASI accused Lovepreet singh @ Labha Son of Major Singh resident of Mari Megha after picking up his share of polythene bag along-with substance, produced it before ASI, upon which myself ASI before checking the substance kept on the polythene bag, tried to join public witness, but everybody shown their inability and did not joined the police party. Upon which myself ASI in the presence of police officials, checked the substance kept on polythene bag, which was found to be substance like heroin, upon which myself ASI weighed it on electronic weighing machine along with polythene bag, which come out to be 100 grams' heroine like substance, upon which myself ASI put polythene bag along-with Heroin like substance in a plastic container and prepared the parcel which was sealed with stamp SS, and same was taken into police possession vide separate recovery memo. Sample stamp was prepared. Stamp after use was handed over to the ASI Sukhwinder Singh 503/TT. Then karanpreet Singh @ karan son of Hardev Singh resident of Mari Megha was directed to pick up his share of polythene bag along-with substance kept on it

and same was checked, which was found to be substance like heroin, upon which myself ASI weighed it on electronic weighing machine • along with polythene bag, which come out to be 100 grams' heroine like substance, upon which myself ASI put polythene bag along-with Heroin like substance in a plastic container and prepared the parcel which was sealed with stamp SS, after taking the seal from ASI Sukhwinder Singh 503/TT and same was taken into police possession vide separate recovery memo. Sample stamp was prepared. Stamp after use was handed over to the ASI Sukhwinder Singh 503/TT. Because Accused Lovepreet Singh @ labha son of Major Singh and Karanpreet Singh @ Karan son of Hardev Singh residents of Mari Megha by keeping in their possession 200 grams of heroin has committed the offence u/s 21-B, 29, 61, 85 of NDPS Act. Due to this after writing ruga for registration of FIR, is being sent by hand through S/CT Manjinder Singh 172/TT to police station. Upon registration of FIR, it number be informed. Information be sent to control room. After issuing special reports same be sent to Illaga magistrate and higher officials. My self ASI along-with companion officials are busy doing investigation on the spot. Today in the area of Mari Megha At 01:00 PM sd/ - Sukhdev Singh ASI Police Station Khalra dated 12.04.2024. Toady Police Station: At this time writing was received at police station and above said case was registered under the said section. Original writing along-with copy of the FIR is sent by hand through S/CT Arinda official for further investigation to ASI on the spot. Upon issuing special report same is being sent Through hand by S/CT Sawinder Singh 760/TT to Illaga Magistrate and higher officials. Control room is informed through email.

Compliance report No. 20 time 02:30 PM dated 12.04.2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in only on the basis of disclosure statement of co-accused Lovepreet Singh and Karanpreet Singh, from whose possession 100 grams each of heroin was alleged to have been recovered. He further contends that nothing has been recovered from the present petitioner, as such, his custodial interrogation is unwarranted. It has been asserted on behalf of the petitioner that he is a man of clean antecedents as he is not involved in any other case. It has been contended that co-accused, namely Bharatpreet Singh and Jaspal Singh have been granted the concession of anticipatory bail vide orders dated 30.07.2024 (Annexure P-4) and 06.08.2024 (Annexure P-5) passed in CRM-M-22210-2024 and CRM-M-26887-2024 respectively.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the prayer for grant of anticipatory bail by urging that the custodial interrogation of the petitioner is required to ascertain from where he had been procuring narcotics for supply.

4. **Analysis**

Be that as it may, considering the fact that nothing has been recovered from the present petitioner; the fact that the petitioner has been nominated only on the basis of disclosure statement of co-accused Lovepreet Singh and Karanpreet Singh and the fact that the petitioner is not involved in

any other case, as has been averred by learned counsel for the petitioner added with the fact that co-accused namely, Bharatpreet Singh and Jaspal Singh have been granted the concession of anticipatory bail vide orders dated 30.07.2024 (Annexure P-4) and 06.08.2024 (Annexure P-5) passed in CRM-M-22210-2024 and CRM-M-26887-2024 respectively.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

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

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one

week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

12.09.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No