



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-45623-2024(O&M)
Date of Decision: 28.11.2024

VARINDER SINGH @ BABBU
STATE OF PUNJAB

....Petitioner
VERSUS
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Kuljit Singh Bal, 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
50	12.04.2023	P.S. Chatiwind, Amritsar	18 & 29 of NDPS Act

2. Vide order dated 03.10.2024 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order dated
03.10.2024 is reproduced as under:-

*“Through the instant petition, filed under Section 482 of BNSS,
2023, the petitioner seeks grant of anticipatory bail in case
arising out of FIR No. 50 dated 12.04.2023, registered under
Sections 18 and 29 of the NDPS Act, 1985 at Police Station
Chatiwind, Amritsar.*

*Brief facts of the case are that on 12.04.2023, co-accused
Angrej Singh was apprehended by a police party and recovery
of 8.5 kgs. of opium, one mobile phone and drug money of
Rs.1200/- was effected from him. During the course of*

investigation, disclosure statement of aforesaid co-accused was recorded, wherein he disclosed that he used to purchase the opium from one Sukha. He further disclosed that aforesaid Sukha also sell opium to Amarjit Singh @ Labbi and petitioner Varinder Singh @ Babbu. It is on the basis of the disclosure statement suffered by aforesaid co-accused that the present petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Amritsar but the same had been dismissed, vide order dated 02.08.2024.

*Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused Angrej Singh, which is not admissible in evidence. Co-accused Amarjit Singh has already been granted concession of anticipatory bail by this Court, vide order dated 08.11.2023 passed in **CRM-M-33641-2023**. The petitioner is not involved in any other case under the NDPS Act. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.*

Learned State counsel has filed the status report, which is taken on record. Learned State counsel has opposed the prayer of the petitioner but has not disputed the fact that similarly situated co-accused has been granted the concession of anticipatory bail.

List again on 28.11.2024.

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, 2023.”

4. Learned State counsel on instructions submits that the petitioner has joined the investigation on 03.10.2024. His further custodial interrogation is not required.

5. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 03.10.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

28.11.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |