



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-45644-2024

Date of decision: 19.11.2024

NISHAN SINGH

....PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. A.S. Manaise, Advocate for the petitioner.

Ms. Seena Sandhu, Addl. A.G. Punjab.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
62	18.08.2024	18, 25 and 29 of NDPS Act.	Verka, Police Commissionerate Amritsar, District Amritsar.

2. Learned counsel for the petitioner submits that in compliance to the order dated 22.10.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 22.10.2024.

3. Learned State counsel intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

4. During the course of hearing on 22.10.2024, following order was passed:

“*Heard.*”



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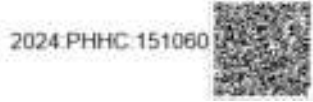
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Learned counsel for the petitioner inter alia contends that the petitioner, who is a serving Army official having no criminal antecedents, is innocent and has no concern with the alleged transaction. He submits that the petitioner was not named in the FIR which was registered consequent upon recovery of 500 grams of opium effected from the car of Sahilpreet Singh, Joban Singh and Roshanpreet Singh. It is contended that after their apprehension, coaccused Sahilpreet Singh made a disclosure statement on 18.08.2024, wherein he claimed that he had purchased the contraband from unidentified person but later on made another disclosure statement on 19.08.2024 that he had purchased the same from the petitioner and one Ranjodh Singh. He submits that non-mentioning of the name of the petitioner in the first disclosure statement itself creates doubt regarding the genuineness of the version put forth by the police and considering the fact that the petitioner is serving in Army having no criminal antecedents, he be granted the concession of anticipatory bail.

Learned State counsel while referring to the status report already submitted by the State has not disputed the factum as mentioned by learned counsel for the petitioner and admitted that the name of the petitioner cropped up in the second disclosure statement made by co-accused Sahilpreet Singh. He has also not denied the fact that except for this disclosure statement, there is nothing to substantiate the allegations against the petitioner.

List on 19.11.2024.

In the meanwhile, without commenting on the merits of the case, the petitioner is hereby directed to join investigation within 15 days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the



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satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.”

5.

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 22.10.2024 passed by this Court, interim bail granted vide order dated 22.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioners 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.
6.

The petition stands allowed.
7.

It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

19.11.2024
kanika

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No