



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45300-2024
DECIDED ON: 12.09.2024

SATNAM SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Basa, 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.70, dated 17.07.2019, under Sections 21, 29 of NDPS Act (Section 27-A NDPS Act added later on), registered at Police Station Ghuman, District Batala, Gurdaspur.

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

“Statement of ASI Palwinder Singh No.1736 Batala Incharge Police Post Udhanwal, P.S. Ghuman, stated that I am posted as Incharge Police Post. Today I alongwith ASI Kuldeep Singh 3047, HC Satnam Singh 2784, HC Ravinder Singh 1967, HC Hardeep Singh 1751, Ct. Malkiat Singh 1999 on private vehicle were patrolling in the search of bad elements and went from Village Harpura. When police party during patrolling turned

from Kachi Patri at Canal Harpura, then one young boy seen coming pedestrian, who on seeing the police party got perplexed and tried to turn back, to whom, I, ASI expertly apprehended with the help of fellow officials and asked about his whereabouts, who on inquiry by I, ASI, disclosed his name as Satnam Singh @ Sattu S/ o Hakumat Singh, caste Majbhi Sikh, R/o Harpura, aged about 23 years and during this the polythene bag which he was trying to throw away, was taken into police possession. I, ASI chekd the same and there is suspicion of having some intoxicant substance therein. On which, I, ASI in light of Hon'ble Supreme Court's directions informed the SHO P.S. Ghuman through mobile phone regarding the facts and requested to send another investigating officer on the spot. On which, you alongwith PHC Hardayal Singh 1859 reached on the spot. I presented the polythene of intoxicating substance recovered from above said Satnam Singh @ Sattu before you. Statement is recorded, action be taken. Sd/- Palwinder Singh I/C P.P. Udhanwal, P.S. Ghuman dated 17.07.2019, identified Sd/- Daljit Singh ASI P.S. Ghuman dated 17.07.2019.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the earlier the petitioner was granted the regular bail qua the offences under Sections 21 and 29 of NDPS Act but later on offence under Section 27-A of NDPS Act has been added on the basis of disclosure statement of Satnam Singh. He further contends that in the present case, the challan has already been presented and the case is at the stage of prosecution evidence, therefore, no useful purpose would be served by sending the accused behind the bars once he has joined the investigation and is cooperating with the investigating agency.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the prayer for grant of anticipatory bail by urging that offence under Section 27-A of NDPS Act is grave and serious one, which relates to financing of illicit trafficking of drugs.

4. Analysis

Be that as it may, considering the fact that the petitioner was earlier enlarged on bail qua offences under Section 21 and 29 of NDPS Act, however, Section 27-A of NDPS Act added later on; challan has already been presented to Court, meaning thereby, investigation is complete, this Court is of the considered view that no useful purpose would be served by sending the petitioner behind the bars.

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

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>