



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-45891-2024(O&M)
Date of Decision: 12.11.2024

LOVEPREET SINGH
STATE OF PUNJAB

VERSUS

....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. K.B.S. Gill, Advocate and
Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, 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
95	22.08.2024	City Rampura, Bathinda	21(b) of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 added later on)

2. Vide order dated 16.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 16.09.2024 is reproduced as under:-

*“The instant petition has been filed Section 482 of Bhartiya
Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant
of Anticipatory Bail to the petitioner in case arising out of FIR*

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No.95 dated 22.08.2024 under Sections 21(b) of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 added later on) registered at Police Station City Rampura, Bathinda.

As per the prosecution case, on 22.08.2024, a police party headed by ASI Navyugdeep Singh was performing patrolling and crime detection duty in official Scorpio vehicle bearing No. PB03W-5985 when a young person was seen coming from the gate of the bus stand. He was searching for something in a polythene bag. On suspicion, he was stopped by the police party. He was quite nervous on seeing the police officials and by suddenly throwing the polythene bag on the ground, he tried to flee. However, he was apprehended. On interrogation, he disclosed his name as Deepak Kumar @ Deepu and gave other particulars. On inspecting the polythene bag which was transparent, heroin could clearly be seen lying therein. Notice under Section 50 of Narcotic Drugs & Psychotropic Substances Act was given to the accused Deepak Kumar @ Deepu. His search was conducted after abiding with the conditions laid down in the Act. Videography was also done. The contraband was weighed and 30 gram heroin was found kept in the plastic bag which was taken into custody and sealed. The accused Deepak Kumar @ Deepu was formally arrested. He was interrogated. He disclosed during interrogation that he had received the contraband from the present petitioner. On the basis of his disclosure, the petitioner was nominated as an accused. Apprehending his arrest, he moved an application for grant of anticipatory bail which was dismissed by Court of Additional Sessions Judge, Bathinda vide order dated 06.09.2024.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of alleged

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disclosure statement of the accused Deepak Kumar @ Deepu which cannot be considered to be admissible in evidence qua him and cannot be taken into consideration. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. He does not have any criminal antecedents. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

Notice of motion.

Learned State counsel who has advance notice of the petition and has submitted that keeping in view the gravity of the allegations as levelled against him, he does not deserve to be extended benefit of anticipatory bail. For filing detailed status report, he has requested for a date.

Adjourned to 12.11.2024.

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 interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bhartiya Nagarik Suraksha Sanhita (for short BNSS), 2023.”

3. Learned State counsel, on instructions from the investigating officer states that the petitioner has joined the investigation on 21.09.2024. No recovery has been effected from the petitioner. Even otherwise he was nominated in this case on the basis of disclosure statement of Deepak Kumar @ Deepu. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but



without commenting on the merits of the case, the present petition is allowed and the order dated 16.09.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

12.11.2024
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> |