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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-46252-2024 (O&M)
Date of decision: 22.11.2024

Swaranjeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Robin Singh Bhullar, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 91 dated 21.07.2024, registered under Sections 22 and 29 of the NDPS Act, 1985 at Police Station Makhu, District Ferozepur.
2. Vide order dated 26.09.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 26.09.2024, passed by this Court, reads as under:

“...Brief facts of the case relevant for the disposal of the present petition are that on 21.07.2024, co-accused Daljit Singh @ Kaka was apprehended by a police party and recovery of 1210 intoxicant tablets was effected from him. He was formally arrested at the spot. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused, wherein he disclosed that he had purchased the recovered contraband

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from the petitioner. Apprehending his arrest, the petitioner had moved an application before the Court of learned Judge, Special Court, Ferozepur for grant of anticipatory bail but the same had been dismissed, vide order dated 14.08.2024.

It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of disclosure statement of aforesaid co-accused, which is not admissible in evidence. He is not involved in any other case under the NDPS Act. He has clean antecedents. In fact, 1210 tablets, which were allegedly recovered from the co-accused, were without any specification. However, now FSL report has been received, as per which, total 410 tablets were containing salt Alprazolam having total weight of 65.19 grams, whereas 800 tablets were containing salt Tramadol, having total weight of 160 grams. These quantities of the contraband do not fall under the commercial quantity as threshold commercial quantity of Alprazolam is 100 grams, whereas for Tramadol, it is 250 grams. It is argued that the petitioner is ready to join investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him into custody.

Notice of motion.

Learned State counsel, who has advance notice of the petition, has filed the status report, which is taken on record.

List again on 22.11.2024.

Considering the fact that the petitioner is not involved in any other case and the quantity of the contraband recovered from the co-accused does not fall

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under commercial quantity, 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.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted though that the petitioner has joined investigation on 29.09.2024, but since the co-accused is yet to be arrested, hence, he may not be extended benefit of pre-arrest bail. This is no ground for denying the benefit of pre-arrest bail to the petitioner.

4. Keeping in view the above mentioned facts and circumstances but without commenting on the merits of the case, the present petition is allowed and the order dated 26.09.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS.

22.11.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No