

2024:PHHC:130188



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

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CRM-M-46316-2024 (O&M)

Date of decision: 01.10.2024

Harjit Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. 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. 56 dated 10.08.2024, registered under Section 18(b) of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) and Section 25 of the Arms Act, 1959 at Police Station Sarai Amant Khan, District Tarn Taran.
2. Vide order dated 18.09.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 18.09.2024, passed by this Court, reads as under:

“...Brief facts of the case are that a police party headed by ASI Satpal Singh was on patrolling duty on 10.08.2024 in search of bad elements, when they noticed two persons coming on foot, who on seeing the police party, started walking briskly. However, they were apprehended by the police party. On inquiry, they disclosed their names as ‘Paramjit Singh @ Pamma’ and ‘Gurpreet Singh @ Sona’. Thereafter, recovery of 527

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grams of opium and one pistol of .32 bore was effected from the polythene bag, which the co-accused Paramjit Singh @ Pamma had thrown on the ground on seeing the police party. During the course of investigation, disclosure statement of co-accused Paramjit Singh @ Pamma was recorded, wherein he disclosed that the recovered contraband was purchased from the petitioner, whereas the aforesaid illegal pistol was purchased from Arshdeep Singh @ Arsh. On the basis of this disclosure statement, the 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 Additional Sessions Judge, Tarn Taran but the same had been dismissed, vide order dated 10.09.2024.

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, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is not involved in any other criminal case. He has clean criminal antecedents. 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.

Notice of motion.

Mr. A. S. Samra, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and seeks some time to file the status report.

List again on 01.10.2024.

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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.”

3. Learned State counsel, in terms of the status report filed today in Court, has submitted that the petitioner has joined investigation on 24.09.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 18.09.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS, 2023.

01.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No