

2024:PHHC:146321



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

206

CRM-M-50863-2024 (O&M)
Date of decision: 11.11.2024

Hardyal Singh @ Heera **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of BNSS, 2023, the petitioner seeks anticipatory bail in case FIR No.87 dated 31.08.2024 under Section 21(b) of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on), registered at Police Station Sadar Patti, District Tarn Taran.
2. Vide order dated 10.10.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 10.10.2024, passed by this Court, reads as under:

“...Learned counsel for the petitioner, inter alia, contends that the petitioner was earlier booked in FIR No.63 dated 30.06.2024 registered under Sections 21(c), 27 & 29 of NDPS Act, at Police Station Sadar Patti, on the basis of disclosure statement of co-accused. The petitioner was granted ad interim anticipatory bail by this Court vide order dated 22.08.2024 passed in CRM-M-40794-2024 and thereafter, he has been falsely implicated in FIR (supra),

2024:PHHC:146321



when he went to join the investigation. Admittedly, the contraband recovered from co-accused falls within the category of non-commercial quantity and as such, embargo under Section 37 of NDPS Act would not be attracted. The petitioner is not named in the FIR (supra) and he has been implicated only on the basis of disclosure statement of co-accused, which has no evidentiary value in the eyes of law.

Notice of motion for 11.11.2024.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273*, *Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427*, *Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51*, *Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375* and *Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565*, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation. The petitioner shall cooperate with the investigation/arresting officer and abide by the conditions as provided under Section 482 (2) of BNSS.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court

2024:PHHC:146321



shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 21.10.2024 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 10.10.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS, 2023.

11.11.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No