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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51164-2024
DECIDED ON: 18.10.2024

PARVESH KUMAR GOYAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked for grant of anticipatory bail to the petitioner in case FIR No. 169 dated 14.07.2024, under Section 21 of NDPS Act (Sections 22 and 29 of NDPS were added later on) and Section 25 of Arms Act, 1959 registered at Police Station Navi Baradari, District Jalandhar.

2. Facts:-

"To the Chief Officer, Police Station Navi Baradari, Commissionerate Jalandhar "Jai Hind, "Today, I, SI, along with SI Surjit Singh 2446, SR/CT Ranjit Singh 1821, SRICT Sukhdev Singh 3176, CT Sandeep Kumar 1005, CT Jugraj Singh 2135, carrying a laptop, printer, and an investigation kit, set out in the government vehicle PB 08-DG-9063 (Mahindra Bolero) driven by CT Lovepreet Singh 2339, for patrolling and searching for suspicious persons and drugs-related materials. We

were present near BSF Chowk, Jalandhar, when a civilian approached me (SI) and provided information that within Jalandhar city, Jagrup Singh son of Tarlok Singh, resident of village Jama Rae, District Tarn Taran, Bhavjot Singh, son of Sarwan Singh, resident of village Dhogri, District Jalandhar, Aman, resident of village Johal Di Wala, District Tarn Taran and Happy, resident of Ladoo Kalsi Kala, District Tarn Taran, are involved in the business of selling heroin, illegal arms, and ammunition. They often call customers to deserted places and supply heroin and arms. Today, two of these individuals, Jagrup Singh son of Tarlok Singh, resident of village Jama Rae, District Tarn Taran and Bhavjot Singh son of Sarwan Singh, resident of village Dhogri, District Jalandhar, are coming in a white Swift car (registration number PB 63-D-6500) carrying heroin and arms, intending to sell them near the railway station side and Guru Nanakpura Phatak side. If patrolling is conducted in these deserted areas, both individuals, along with the car, heroin, and arms, can be caught. Since the information is reliable and credible, it fulfils the requirements of the crime under Sections 21-61-85 NDPS Act and 25/54/59 Arms Act. A report under the mentioned sections is being written, and CT Jugraj Singh 2135 is being sent to the police station for case registration. After the case is registered in the records, the case number will be communicated. The concerned officers and the control room may be informed.”

3. Contentions

On behalf of the petitioner:

It is contended on behalf of the petitioner that no incriminating material has been recovered from his possession and he has been nominated as an accused merely with the aid of Section 29 after recording the disclosure statement of one of the co-accused namely Manpreet Singh, who is also running a chemist shop at Moga. It is merely out of business rivalry between the petitioner and the co-accused Manpreet Singh that he has been roped in, as petitioner is also running a medical

store namely M/s. P.V. Pharma situated at 196 Gill Road, Moga for which he is having a drug license issued by Drug Licensing Authority (Annexure P-1).

On behalf of respondent-State

4. Notice of motion.

On the asking of Court, Mr. Jaspal singh Guru, AAG Punjab accepts notice on behalf of respondent-State and prays for dismissal of the present petition on the ground that the petitioner has been specifically named by co-accused namely Manpreet Singh on 27.09.2024, wherein it was stated that 40 boxes of intoxicant tablets were supplied to the petitioner by Manpreet Singh.

5. Analysis

Be that as it may, considering the aforesaid facts and the submissions made on behalf of the petitioner as well as learned State counsel, it is abundantly clear that petitioner has been nominated merely with the aid of Section 29 of IPC through disclosure statement suffered by co-accused on 27.09.2024, but the Investigating Agency till now has not got any other incriminating material from the present petitioner except the alleged intoxicant tablets to have supplied by Manpreet Singh to the petitioner. It is also not disputed by learned State counsel that petitioner is having a licence from the concerned Authority and running a Medical Store added with the fact that other two co-accused namely Sahil Arora and Jaswant have already been granted the concession of anticipatory bail by this Court vide order dated 14.10.2024 and 26.09.2024 passed in CRM-M-49589-2024 and CRM-M-48315-2024 respectively and the role of the petitioner is pleaded to be at par with these two co-accused persons.

6. Decision

In view of the above, this Court does find any reason to decline the present petition, hence, the petitioner is directed to join the investigation within a

period of 10 days and in case of doing so, he shall be released on anticipatory bail subject to furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

18.10.2024
Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No