



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51803-2024

Date of Decision : 20.11.2024

CHAND

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. A.K.Kaushik, Advocate for
Mr. A.P.S.Sandhu, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 19.10.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., the petitioner, who claims to have clean antecedents, seeks the concession of anticipatory bail, in case FIR No.146 dated 08.08.2024, under Section 21(b) of the N.D.P.S. Act, 1985, registered at P.S. Gate Hakima, Police Commissionerate, District Amritsar.

2. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of his co-accused, from whom 30 grams of heroin was recovered. Except the disclosure statement, there is no other cogent evidence on record to connect the petitioner with the alleged crime. Moreover, the allegedly recovered contraband falls within “non commercial quantity”.

3. Notice of motion for 20.11.2024.

4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”

2. Today, the learned State counsel has filed short reply, dated
19.11.2024, by way of an affidavit of Sh.Jaspal Singh, ACP (Central),

Amritsar, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

3. He further, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation, and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 19.10.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

7. All pending application(s), if any, also stand **disposed** of accordingly.

November 20, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No