

2024:PHHC:140452



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53559-2024
DECIDED ON: 25.10.2024

RANJIT SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.106 dated 30.05.2023, registered under Section 18 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station City Sangrur, District Sangrur.

2. Facts:-

Facts as narrated in the FIR reads as under:-

"Copy of ruga. SHO, Police Station City Sangrur, Fateh! Today, I, ASI along with SC Jagjeet Singh 941, SC Kulvir Singh 1071 and SC Manvir Singh 552 were riding Govt. vehicle bearing registration No. PB-13AW-4112 being driven by AsI Gurpal Singh No.622 with laptop, printer and inverter and connection with patrolling and in search of

suspicious persons/vehicles going from Patiala Bypass Sangrur towards Nanakiana Chowk, Sangrur. When the police party reached 01 kilometer ahead from Patiala Bypass Sangrur towards Nanakiana Chowk, Sangrur, then at about 1.40 PM, ahead of police party on the left side one clean shaven person was standing, , he was carrying a heavy polythene envelope in his hand. He on seeing the vehicle of police party, he got perplexed and threw the heavy black coloured polythene carrying in his hand and started walking briskly. Then I, ASI on the basis of suspicion got stopped the vehicle, alighted from the vehicle and with the help of companions apprehended the above mentioned persons and asked his name and address. He disclosed his name Bharat Singh Chauhan son of Shiv Singh Chauhan, resident of village Sapanian, near Krishna Mandir, District Mandasore, Uttar Pradesh. The black coloured heavy polythene envelope thrown by him was opened and another transparent polythene envelope found in it from which opium was visible. Above mentioned Bharat Singh has committed offence under sections 18/61/85 ND&PS Act by keeping in his possession opium. In this regard, at about 2.00 PM, I, ASI made a call to Inspector Amrik Singh, Incharge, CIA, Sangrur on his mobile No.80545-45151 from my mobile No.80545-45808 made him aware with the incident and requested him to send another investigating officer at the spot as per the instructions of the Hon'ble Supreme Court. He told that SI Gurmail Singh 300/GRP is being sent at the spot. For registration of case under section 18/61/85 ND&PS Act against above mentioned Bharat Singh Chauhan was typed on laptop, printout was taken and is being sent to the police station City Sangrur by hand through SC Manvir Singh 552/ Sangrur. After registration of case I may be intimated case number. Control Room be informed. I, ASI along with companions am waiting at the spot for SI Gurmail Singh No.300/GRP. In the area of :-Imperial City Colony, City Sangrur at 2.15 PM. Lat. No.30.2551642 Longi.No.75.8570599 Sa/- ASI Kulwant Singh, ASI CIA, Sangrur dated 30.05.2023 Mob. 80545-45808..."

3. Contentions**On behalf of the petitioner:**

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and recovery of contraband i.e., 1.5 kg of opium was recovered from the possession of co-accused namely Bharat Singh, who disclosed the name of Bhupinder Singh on whose disclosure statement, the petitioner was implicated in the present case.

On behalf of respondent-State

Notice of motion.

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent-State, who prays for dismissal of the present petition asserting that the call detail records have been collected to provide a link chain and the veracity of the disclosure statement made by co-accused Bhupinder Singh on the basis of which the petitioner was arrayed as an accused under Section 29 of NDPS Act.

5. Analysis

Be that as it may, considering the fact that the contraband recovered in the present case is non-commercial in nature and no incriminating material is available with the State counsel qua the transaction of money between the co-accused and the petitioner, which would be a part of evidence for determining the said factor. In that eventuality once neither any recovery is to be effected nor any other incriminating material has come forth except the call details showing connection between the co-accused and the petitioner, his custodial interrogation is not deemed to be necessary.

6. Decision

In view of the above, 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

25.10.2024

Meenu

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