

2024:PHHC:162359



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60833-2024
DECIDED ON: 05.12.2024

SANDEEP SINGH ALIAS SUNNY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh K. Dadwal , Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.69, dated 25.09.2024, under Section 21 of NDPS Act and Section 29 of the NDPS Act added later on, registered at Police Station City Rajkot, District Ludhiana Rural, Punjab.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“SHO Sahib, P.S City Riakot. Jai Hind, Today I ASI alongwith ASI Surjit Singh No. 612, Ct. Arshdeep Singh No. 48, Ct. Varinderpal Singh 199 and Ct. Varinder 952 in Government Vehicle no. PB 10 GK 4170 along with laptop, printer, torch and investigation kit for checking the suspicious persons were present at Viva Cam factory near Civil Hospital, then the police party saw one clean shave youth was coming on foot from Viva Cam factory and I ASI stopped the vehicle and boarded down. Then he was thrown black colored polythen bag from his capery to the ground after seeing the police party. I ASI with the help of my co-employees

apprehended under suspicion the young man and enquire his name. Who told his name as Beant Singh son of Gurdev Singh r/o Mohalla Guru Nanakpura, P.S Raikot, I ASI served notice u/s 50 of NDPS Act upon above said Beant Singh. I ASI introduce myself that I ASI Harpal Singh investigation officer posed at P.S Raikot and we have wear the uniform as per our rank and said to him that I have suspicion upon you that some intoxicant substance in the black color envelope thrown by you on the ground, therefore I want to conduct search you and your bag, which you have thrown, Before conducting the search, I AS tried to make a public witness but every person refused to put their witness by showing un-ability. Thereafter I-ASI check the polythen bag laying on the ground in front of the police personals. Then intoxicant powder was recovered. Upon that I ASI measurement the intoxicant powder by the computerized scale, then it's come 10 gm. of intoxicant powder. Upon that the above said intoxicant powder are put in polythen bag and taken into possession by putting the seal H.S and handed over to ASI Surjit Singh no. 612, sample stamp prepared separately. The Intoxicant powder has been taken into possession in police custody by separate memo. The accused Beant Singh is booked in case u/s 22/61/85 NDPS ACT for 10 gm. of intoxicant powder. Therefore ruga be send to police station for registration of the case though Varinderpal Singh 199. After the registration of case, the case number may be intimated. I ASI is busy for further investigation. Sd/- Satnam Singh-ASI- P.S Bhullowal, dated 25.09.2024.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner would submit that the petitioner has been roped in the FIR on the basis of disclosure statement of co-accused namely Beant Singh to whom he is not known in any manner whatsoever. He further submits that nothing is to be recovered from the possession of petitioner and otherwise also it was only 10 grams of heroin, which has been recovered from the co-accused namely Beant Singh, which is non-commercial in nature.

It is contended on behalf of the petitioner that he came to know about the registration of instant FIR and his name being dragged therein once the police team starting raiding his house.

Notice of motion.

On behalf of the State

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State, who on instructions from ASI Harpal Singh prays for dismissal of the present petition, but not in a position to controvert the fact that there is no incriminating material against the present petitioner except the disclosure statement in which Beant Singh has stated that the present petitioner is the supplier of the contraband, whereas since 26.09.2024, when the disclosure statement was recorded nothing has been put forth before this Court to show any connection of present petitioner with that of co-accused namely Beant Singh.

4. Analysis

Be that as it may, having regard to the aforesaid factual aspects and the circumstances involved apart from the quantity of contraband recovered i.e., 10 grams of heroin, which is non-commercial in nature added with the fact that there is no incriminating evidence prima facie to make out a case of Sections 21 and 29 of NDPS Act, I am of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

5. Decision

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

05.12.2024

Meenu

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