

Sr. No.: 202

Date of Decision: *March 25, 2025*

..... PETITIONER(S)

State of Punjab

..... RESPONDENT(S)

PRESENT: - Mr. Vipul Jindal, Advocate, for the petitioner.

Mr. Amandeep Singh, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J (Oral)

Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sukhchain Singh	118	18.11.2024	21/29 NDPS Act	Mehtiana	Hoshiarpur

2. On 13.01.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 21/29 of the NDPS Act, 1985, in a case arising out of FIR No.118, dated 18.11.2024, registered at Police Station Mehtiana, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner contends that although there is conviction under Section 25/54/59 of the Arms Act, in which, the petitioner was released on probation. Subsequently on the basis of some disclosure statement made by main accused, petitioner has been dragged in the present FIR. The recovery from the main accused is of 20 grams of Heroin, with which the petitioner has no connection.

3. He further submits that at the time of arrest of main accused namely; Pawandeep @ Rinku, and effecting recovery of narcotic contraband, neither name of the petitioner appeared in any manner, nor any disclosure statement was recorded there and then. He, thus, prays for concession of anticipatory bail to the petitioner.



4. Notice of motion.

5. On advance notice, Mr. Amandeep Singh, DAG-cum-PP, Punjab, puts in appearance on behalf of the respondent – State, and submits that apart from present case, petitioner is involved in two more cases, wherein, narcotic contraband has been effected from him.

6. After hearing counsel from both sides, prima facie some substance is found in the submissions of the petitioner for seeking concession of anticipatory bail.

7. Adjourned to 25.03.2025.

8. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) BNSS, 2023.

9. Besides, petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.

10. State may file status report meanwhile.”

3. Learned DAG Punjab has filed status report dated 24.03.2025 in Court today. Same is taken on record. Copy thereof has been handed over to learned counsel for the petitioner.

4. Broadly speaking, allegation against the petitioner is that he is the actual supplier of the narcotic drugs, however, learned State counsel has not placed on record any direct evidence in that regard. In the present case, there is recovery of 20 grams of Heroine from Pawandeep @ Rinku.

5. Learned DAG could not refer to any evidence from the status report that any of the purchase amount has been deposited by the purchaser, any time, in the bank account of the petitioner.

6. As per the stand taken by the petitioner, in compliance of order dated 13.01.2025, passed by this Court, he has joined the investigation,

CRM-M-1131 of 2025

[3]

and has fully co-operated. The factum of petitioner's joining investigation is not even disputed by learned DAG Punjab.

7. Heard learned counsel for the parties.

8. Since the petitioner has joined the investigation and custodial interrogation is no more required, present petition is allowed and ad-interim order dated 13.01.2025, passed by this Court is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

9. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

10. Accordingly, petition stands allowed.

(SANJAY VASHISTH)
JUDGE

March 25, 2025

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Whether Speaking/ Reasoned:

Whether Reportable:

Yes/ No

Yes/ No