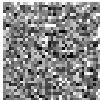


2025.PHHC.008050



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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-2824-2025  
DECIDED ON: 21.01.2025

SUNIL .....PETITIONER

VERSUS

STATE OF PUNJAB .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harpreet S. Rakhra, Advocate and  
Ms. Gurvinder Kaur, 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.213, dated 12.11.2024, under Sections 22, 27 and 29 of NDPS Act, 1959, registered at Police Station City-II, Khanna, District Ludhiana.

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

*“To, The Officer Incharge, P.S. City-2, Khanna. Jai Hind. Today, I Sub-Inspector alongwith Sub-Inspector Baldev Singh 315/Khanna, Lady Senior Constable Akwinder Kaur 833/Khanna and PHC Nirbhai Singh 33493 were on private car, laptop, printer regarding patrolling and checking suspected persons and were present at Amloh Chowk Khanna, then at about 4.20 PM, one secret informer informed me in isolation that Renu wife of Sunil, resident of Bazigar Basti, Meat Market Khanna, P.S.City-2, Khanna, District Ludhiana, Sunil son of Omi resident of Bazigar Basti, Meat Market Khanna, P.S. City-2, Khanna, District Ludhiana, who are doing the work of selling intoxicant in Khanna. From them Mandeep Gogg son of Paramjit Singh, resident of Chak Mafi, P.S. Samrala, District Ludhiana, Arun shahi @ Kaka son of Mohan Lal Sahi, resident of Near GND School, Krishna Nagar,*

*Khanna, Sukhwinder singh @ Shavi son of Sikander Singh, resident of Malerkotla Road, Khanna, Malkit Singh @ Mani son of Suraj Bhan, resident of Jagat Colony, Khanna are taking intoxicating white powder at Shiv Mandir, Amloh Road, Khanna after alighting the fire on silver paper with the lighter. If a raid is made near Shiv Mandir, Khanna, then the abovesaid persons alongwith intoxicating powder can be apprehended while taking the same. The information is reliable and concrete. Abovesaid persons by selling the intoxicating powder have committed an offence under Section 22/27, 29-61-85 of NDPS Act is made out, on which after writing ruga for registration of case against the accused, Renu, Sunil, Mandeep Singh Guggu, Arun Sahi @ Kakka, Sukhwinder Singh @ Sunny, Manpreet Singh @ Mani abovesaid under the relevant sections is being through PHG Nirbhai Singh 33493 tot eh Police Station. After registration of case, the number of case be intimated. Special Reports be prepared. DCR Khanna be informed. I Sub-Inspector alongwith fellow police personnel proceed for investigation. Sd/-Sukhwinder Singh, P.S. City Khanna dated 12.11.2024 on the outskirts of Amloh Chowk Khanna at 05.25 PM.”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner submits that the petitioner has been implicated based on secret information, along with other co-accused, however, neither any details have been provided regarding the source of such information, nor any details qua the time or manner in which it was received have also been provided. It is further contended that the petitioner has a right to be informed regarding the identity of the informant, especially since no contraband or narcotics have been recovered from any of the accused, including the petitioner.

It is also argued on behalf of the petitioner that, according to the FIR, the allegation against the petitioner pertains to his involvement in the sale of the intoxicant powder. However, the prosecution has simultaneously recorded that the present petitioner alongwith other co-accused persons was

consuming the white powder, purported to be an intoxicant, after having ignited it on a piece of silver paper/foil.

Notice of motion.

**On behalf of the respondent/State**

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 one lighter and one foil paper (silver in colour) has been recovered from the petitioner, but could not point out any other incriminating material against him or any involvement by any other means in the drug trafficking whatsoever.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the bald allegation of consuming the white intoxicant powder is not trustworthy and the false implication of the petitioner also cannot be ruled out at this stage, while considering the arguments made on behalf of learned State and the material placed on record before this court to examine the present petition for grant of concession of anticipatory bail. Even otherwise this Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, “*bail is a rule*” and “*jail is an exception*”.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

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

21.01.2025

Meenu

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