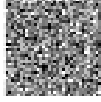


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4335-2025
DECIDED ON: 27.01.2025

JASPREET SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arjun Sharma, Advocate and
Mr. Vishal Chawla, 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.78, dated 03.06.2024, under Sections 18 & 20 of NDPS Act, 1985, registered at Police Station Sector 20, Panchkula Haryana.

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

“Copy of statement is that, To, the SHO P.S. Sector 20, Panchkula, Jai Hind. Today, myself ASI am present at Crime Branch, Sector 19, Panchkula that at time: 03:21 PM, INSP Yogwinder Singh, Incharge, Crime Branch, Sector 19, Panchkula gave information on phone that I have received information from Kushal Kumar, Plot No. 392, Phase-1, Industrial Area, Panchkula, Mobile 6360793231 that I am speaking from DIDC Express Company, Senior Executive Security Vigilance Department Officer. That in our company one parcel has come from Bahatrawads Club for sending to WAKAD Pune and while doing X-Ray of the parcel by the machine, inside the parcel, two cups,

two spoons inside the cups and some suspicious substance is seen i.e. some intoxicant substance can be there inside the parcel. So, you may come on the spot and check the same. That the information is solid and reliable, on which in connection with the information, myself ASI prepared notice u/s 42 NDPS Act separately and is being sent through ASI Gurbachan Singh No. 117/Panchkula at 03:50 PM to Shri Manpreet Singh Soodan IPS/ASP Panchkula. That at about 04:36 PM, the Gazetted Officer Shri Sachin Sehrawat ETO Panchkula posted from the office of DC Panchkula called from his phone No. 9468030009 to Shri Sachin Sehrawat ETO Panchkula's mobile No. 9988638277 and by informing about the above, requested him to come present on the spot. That myself ASI alongwith ASI Ravinderpal No. 91/ Panchkula, HC Sohan Lal No. 107/Panchkula, C-Amit Kumar No. 424/Panchkula in Civil Uniform and laptop and Canon Printer G-3-2- with Government vehicle No. HR-03-GV-2350 and its driver HGH Mandeep Kumar No. 400/Yamunanagar, Crime Branch, Sector 19, Panchkula by making out-entry in the General Diary, reached at Plot No. 392, Phase-1, Industrial Area, Panchkula where Kushal Kumar s/o Shri Shridhar R/o Village Gar P.S. Panchrukhi, District Kangra, Himachal Pradesh presently tenant at H. No. 135, TopFloor, Sector 19-B, Panchkula, Executive Officer Vigilance Security Officer, DTDC Express, Panchkula found present. That at about 05:20 PM, Shri Sachin Sehrawat ETO Panchkula riding on his private car came present at Plot No. 392, Phase-1, Industrial Area, Panchkula, to whom I explained the circumstances of the case and that Kushal Kumar, Executive Officer, Vigilance Security Officer, DTDC Express, Panchkula above shown the above booking French details and scan coloured photo and yellow coloured parcels' X-ray copy scanned with machine inside which two cups containing black coloured substance and after checking the first parcel, it was found written FROM Sahib Singh Bahatrawads Club, M-6280643264 and IO Monu Singh Parmar, Silvernest Venu Nagar Cotes, Wakad Pune-411057, 8508167000 and Consignment No. T27607785 is written was submitted. After that on the instructions of Shri Sachin Sehrawat ETO Panchkula, myself ASI's search got conducted and myself on the instructions of Shri Sachin Sehrawat ETO Panchkula conducted search of other officials, on which nothing suspicious could be recovered. Memo of search of officials got prepared separately which was approved by Shri Sachin Sehrawat ETO Panchkula. After this, the above parcel was opened and after opening and checking the same, in a red coloured gift pack cover, one box of pink colour, on which COFFEE MUG was written and after opening the box and checking, inside the polythene two cups and white coloured which from inside steel and from outside white coloured on which Queen Red colour is

written and on both the cup, there are black coloured tops and two small spoons of steel got recovered. On checking one by one both the cups, below the newspaper one transparent polythene got recovered which contained black coloured substance and after checking and smelling the same, as per experience, it was found opium. That memo of identity of opium got prepared separately. That the identity was approved by Shri Sachin Sehrawat ETO Panchkula and after weighing the recovered opium on the electronic balance including the polythene, it came to 40 grams. That the above parcel of recovered opium was put in a plastic box and prepared one cloth parcel and the parcel was mentioned as parcel No.1. That after checking the second cup, inside the newspaper one transparent polythene was recovered in which black-brown coloured substance got recovered and on checking the same and smelling and on the basis of experience, it was found Charas. That the memo of identity got prepared separately on which Shri Sachin Sehrawat ETO Panchkula put his signatures. That after weighing the recovered charas on the electronic balance brought with him, its total weight was found to be 40 grams and the above recovered parcel after putting in the plastic box and the plastic box was put in a cloth parcel, on which parcel No.2 was mentioned. That two cups, pieces of newspaper including polythene and two spoons of steel were put in the same box of cardboard and after putting the same in yellow coloured cover, the box was put in a cloth parcel and parcel No. 3 got prepared. That all the three parcels were sealed by me with my seal SK/3/3 and sample seal got prepared separately. After use, the seal was handed over to ASI Ravinderpal No. 91/Panchkula. All the above parcels were then sealed by Shri Sachin Sehrawat ETO Panchkula with his seal SL 1/1 and also put his seal SL on sample seal and the case property of the parcels got prepared. That the above parcels and booking fresh details and scan colour photos were taken separately in police custody vide separate memos as proof and all the parcels were signed by Shri Sachin Sehrawat ETO Panchkula. That Sahib Singh and Monu Singh through the parcels by putting intoxicant substance of 40 grams opium and 40 grams charas for supply by hiding have committed offence u/s 18/20-61-85 NDPS Act, on which ruqa got written and is being sent by hand through c-Amit Kumar No. 424/Panchkula for registration of case at Police Station, Sector 20, Panchkula. After registration of case, FIR No. may be informed and copies of the FIR as special reports may be sent to the Senior Officers. Shri Sachin Sehrawat ETO Panchkula left from the spot and for further investigation, Investigating Officer may be sent on the spot. Myself ASI alongwith fellow officials and case property are waiting on the spot for the other Investigating Officer, today at Plot No. 392, Phase-1, Industrial Area, Sector 19,

Panchkula. (ASI Sanjiv Kumar No. 30/ Panchkula) , Crime Branch, Sector 19, Panchkula, dated 03.06.2024, time: 06:50 PM. ”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the basis of disclosure statement made by Sahib Singh and no recovery of contraband has been effected from the petitioner. Even otherwise recovery of 40 grams of charas falls under small quantity and recovery of 40 grams opium is little higher than small quantity, as small quantity of opium is 25 grams and commercial quantity of opium is 2.5 Kgs.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition, but could not put forth any incriminating material to connect the petitioner with alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner was nominated on the basis of disclosure statement of co-accused and prosecution could not put forth any incriminating material to connect the petitioner in the present case, 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

27.01.2025

Meenu

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