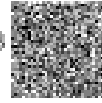


2025:PHHC:017433



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-6885-2025
DECIDED ON: 06.02.2025**

ROHIT @GARRY**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

SANDEEP MOUDGIL, J (ORAL)**1. Relief Sought**

This petition has been filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023, with a prayer for the grant of anticipatory bail to the petitioner in FIR No. 0057, dated 14.04.2024, under Sections 21, 23, 29 Of Narcotic Drugs & Psychotropic Substances Act 1985, (Section 21-C, 25, 27-A of the NDPS Act & Section 25 of Arms Act 1959 Added later on), Police Station Sadar Ferozepur, District Ferozepur.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

'To SHO, P.S. Sadar, Jai Hind. Today, I Inspector Incharge, CIA Staff, Ferozepur alongwith SI Sukhdev Singh 265/Tarn Taran, ASI Gurmeet Singh 94/FZR, ASI Lakhbir Singh 132/FZR, HC Simranjit Singh 669/FZR, SC Gurwinder Singh 271/FZR, SC Satnam Singh 385/FZR, SC Gurjant Singh 276/FZR, C Karanbir Singh 1239/Tarn Taran, LC Amanjot 191/FZR, PHG Gurwinder Singh 4647/FZR, PHG Baljit Singh 22662 on Government

vehicle Scorpio having colour white and bearing registration no. MH-15-TC-844, which was being driven by C Sukhjant Singh 279/FZR. One Government vehicle motorcycle Bajaj Pulsar having registration no. PB-65-BE-7426 and along with laptop printer, were going for the purpose of checking of antisocial elements and suspicious vehicles; in the area of P.S. City Ferozepur, P.S. Sadar Ferozepur and P.S. Kulgarhi, when police party were reached near Nizamdeen Chowk, then oneseecret informer who knew Gurmeet Singh, stopped our car and gave information to me and ASI Gurmeet Singh 94/FZR that Manjit Singh @ Mani Son of Balwant Singh, resident of Kamalewala, P.S. Sadar Ferozepur, Rohit Sethi Son of Raman Sethi, resident of House no.406, Gali Sethi Inderjit Singh, Mohalla Dharampura, Ferozepur City and Bhavnesh Kumar @ Ashish Son of Hira Lal Chopra, resident of Kucha Kadar Baksh Gali, Delhi Gate, Ferozepur, now resident of Canada are involved in smuggling Heroin from Pakistan smuggler and supply the same. Manjit Singh @ Mani and Rohit Sethi has taken a house in Baba Deep Singh Avenue Ferozepur and reside there. Their abovesaid companion Bhavensh Chopra @ Ashish, after contacting with Pakistani smuggler got the Heroin supplied to them and today also consignment of Heroin has been received by them and they are in the search of the same, if raid is being got conduct, then Heroin in heavy quantity can be recovered. The information is reliable and accordingly its information memo prepared. The offence under Section 21, 23, 29, 61, 85 of NDPS Act is made out against above said Manjit Singh @ Mani, Rohit Sethi and Bhavnesh Chopra. Therefore, ruqa is being sent through C Gurjant Singh 276/FZR on Government vehicle motorcycle model Bajaj Pulsar having registration no. PB-65-BE- 7426, for registration of FIR and after the registration of the FIR, number of the same should be intimated. Special report be issued to the Illaqa Magistrate and Officer. PCR should be informed. After knowing about the physique, the information be given. Sh. Balkar Singh, PPS DSP was requested to reach at the spot. I proceed towards Baba Deep Singh Colony alongwith other employee. Sd/ Prabhjit Singh, Inspector Incharge, CIA Staff, Ferozepur. Dated: 14.04.2024. '

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused Rohit Sethi and Manjit Singh @ Mani. He submits

that nothing has been recovered from the petitioner. He has drawn attention of this Court to an order dated 22.01.2025 (Annexure P-3) passed in CRM-M-3371-2025 vide which co-accused has already been granted the concession of anticipatory bail.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that huge quantity was recovered i.e., 7 kg heroin alongwith drug money of Rs.36,00,000/- in the present case, therefore, custodial interrogation of the petitioner is required, but he could not put forth any incriminating material to connect the petitioner with the alleged commissioning of offence.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the fact that the petitioner was nominated merely on the basis of disclosure statement of co-accused and except that no other cogent material is available to the prosecution to produce before this Court, moreover, no recovery has been effected from the conscious possession of the petitioner, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail

subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on 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 does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

06.02.2025

Meenu

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