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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6931-2025
Date of Decision: 19.02.2025

SURJEET SINGH ALIAS SURJIT SINGH Petitioner(s)

VERSUS

STATE OF PUNJAB Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Saurav Kanojia, Advocate for the petitioner.
 Mr. Amandeep Singh, DAG, Punjab

SANJAY VASHISTH, J. (Oral)

1. 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
Surjeet Singh, aged about 49 years	236	03.09.2024	21(C) & 25 of NDPS Act (29 of NDPS Act added later on)	Sahnewal	Ludhiana

2. Learned counsel for the petitioner argues that being main accused namely Krishan Kumar @ Krishana, from whom recovery of contraband i.e. 43,000 tablets of brand NRx Tramadol Prolonged-release Tablets IP 100 mg Clovidol-100, has been effected, was arrested from Sahnewal, District Ludhiana, on 03.09.2024. Father of the main accused- Krishan Kumar @ Krishana is bed ridden being a paralytic patient.



Also submits that on the day of recovery of the contraband/drug and on arrest of the petitioner, despite of granting of police remand on asking of police, name of the present petitioner never surfaced. It is only at the last moment i.e. on 11.09.2024 (after 07 days) when the main accused Krishan Kumar @ Krishana, was to be sent for judicial custody, a disclosure statement is recorded, having been given by the main accused, wherein name of petitioner has been dragged unnecessarily.

Further submits that petitioner being of the age of about 49/50 years, till date he is never noticed by anyone for getting involved in similar activity and now he has been dragged in the present FIR only for the reason that he had been going to the police station for looking after the well being of his arrested nephew i.e. Krishan Kumar @ Krishana. As already disclosed, father of the main accused is bed ridden and instead of taking action against any other family member, petitioner is made a scape-goat by levelling allegations, which are absolutely false and, therefore, prays for grant of anticipatory bail.

3. On the other hand, while filing status report dated 18.02.2025, learned State counsel submits that there is a huge recovery, effected from main accused – Krishan Kumar @ Krishana and, therefore, his disclosure statement cannot be discarded so lightly. Thus, opposes the grant of bail.

4. I have considered the submissions and gone through the record available before the Court.



5. Age of the petitioner is also noticed by this Court, in support of the contention addressed, however, without making any comments/observations on the contentions addressed by the petitioner, this Court finds that the culpability of the petitioner for committing of the alleged crime is yet to be established by the prosecution and expectedly, some more evidence would be required apart the disclosure statement, for proving the allegations.

6. At this stage, in the background of the facts and the reasons as argued and recorded hereabove, this Courts is of the view that petitioner cannot be put to the custodial interrogation on the whims of the investigating agency and, thus, deems it proper to extend the concession of anticipatory bail to the petitioner. Thus, petitioner is directed to join investigation as and when required to do so by the Investigating Agency. In the event of his arrest, 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) of BNSS, 2023.

7. 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.

8. Petition stands **disposed of** accordingly.

February 19, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

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