



103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7710-2025

Date of Decision: 11.02.2025

JASWINDER SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioners in case in FIR No. 261 dated 14.12.2024 under Sections 21 and 29 of the NDPS Act, registered at Police Station, City-1, Abohar, District Fazilka.

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

“Today I along with Mohan Lal 593/Fzk, C. Rakesh Kumar, C. Om Prakash, PHG Chandra Bhan, PHG Vijay Pal were for patrolling and checking of suspected person in the area of City-1 Abohar. When police party was present at T-Point by pass Maseet Dhani then one secret informer came to me and inform that Amarjeet Singh s/o Balwant Singh & Raj Singh s/o Baldev Singh r/o village Dhani Kadaka Singh Abohar who use to bring and sell the heroin and today also they are moving on a motorcycle no. PB10HR6776 Bajaj Platina of black color in order to sell the heroin. If just now naka is installed on bypass leading to Dhani Karnail Singh Amarjeet Singh and Raj Singh can apprehended with huge quantity of heroin. The information is reliable and solid.



So Amarjeet Singh and Raj Singh by doing this has committed offence U/S 21,29-61/85 of NDPS Act. Ruqa after writing is sent through PHG Chandra Bhan for lodging FIR against Amarjeet Singh and Raj Singh above said. An FIR be registered and its number be intimated. Special report be issued to the higher officer. PCR Fazilka be intimated report U/S 42 of NDPS Act is going separately. I along with the police party proceeding to install naka at bypass T-Point road leading to Dhani Karnail Singh. Sd/- Bhupinder Singh ASI I/C police post seed farm P.S City-1 Abohar dated 14.12.2024 in the area of bypass T-Point near Dhani Karnail at 10.50 pm. Today on receipt of the above said ruqa, case above said against above said accused was registered and original ruqa along with the copy of FIR is being sent to the ASI on the spot. Special are prepared and are going to sent through SC Rajinder Singh to the Illaqa Magistrate and higher officer. PCR Fazilka intimated.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the instant FIR is lodged out of malice based only on a disclosure statement by the co-accused, namely, Amarjeet Singh. He further submits that the petitioner had went to attend the marriage in his in-laws in November 2024 and while dancing in a marriage function, the co-accused Amarjeet Singh got struck with the DJ box, fell on and hit the child of the petitioner, who started weeping. The petitioner gave a slap to Amarjeet Singh and pushed him away and it is due to the aforesaid altercation and heated exchange of words, the petitioner has been named by the Amarjeet Singh in his disclosure statement with the allegation that the petitioner is a supplier of 435gms of heroin, which was recovered from one Amarjeet Singh and Raj Singh. He further submits that there is no communication or any relationship whatsoever



between the petitioner and the co-accused Amarjeet Singh prior to the aforementioned incident as verified by the police during the course of investigation. Disclosure statement otherwise is also contended to be not a good piece of evidence for leading conviction against the present petitioner especially when there is no other accusation qua the petitioner's involvement in any case whatsoever as the petitioner is a person of clean antecedents.

On behalf of the State

Learned State Counsel appearing on advance notice, when asked by this Court could not put forth any incriminating material against the present petitioner except the disclosure statement. He is also on record to say that investigating agency has not got examined the call details of co-accused Amarjeet Singh to ascertain the role of the present petitioner as to whether he was earlier known to him and on what basis the co-accused Amarjeet Singh has named the present petitioner with the allegation of supplying the said contraband.

4. **Analysis**

Be that as it may, after giving a thoughtful consideration to the submissions as made by counsel for the parties and considering the fact that no fruitful purpose would be served by sending the accused behind the bars, and there is doubt and serious dent in the story of the prosecution as far as the role of the present petitioner is concerned and the defence taken on behalf of the petitioner qua the altercation happened in November 2024 in marriage function where he was invited by his in-laws family and Amarjeet Singh being from the same Village was also invited to the same function.



Contraband, whatsoever has been recovered is from the co-accused Amarjeet Singh and nothing has been effected from the present petitioner. It is also an admitted fact that the petitioner is not involved in any other FIR muchless in NDPS cases, as such, this Court finds no reason to deny the concession of anticipatory bail to the petitioner as he is ready and willing to join the investigation to cooperate with the investigating officer for furtherance of the investigation.

5. **Decision**

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to him 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 one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

11.02.2025

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