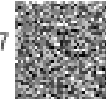


2025:PHHC:020337



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-8107-2025
DATE OF DECISION: 13.02.2025

AYUSH ALIAS ANSHU

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Saini, Advocate for the petitioner(s).
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 as he was not even named in the present FIR. He submits that as per the allegations, one co-accused namely Rohit Sethi supplied the heroin to the present petitioner who further sold the same to different customers and is involved in across the border i.e. Indo-Pak Border drug trafficking mafia. He further submits that the petitioner was nominated in the present FIR only on the basis of the disclosure statement made by co-accused namely Rohit Sethi and the alleged recovery of contraband was effected from co-accused namely Manjit Singh @ Mani and not from the petitioner, moreso, nothing is to be recovered from the petitioner. He asserts that the similarly situated co-accused namely Khushal @ Shally has already been granted the concession of anticipatory bail vide order dated 22.01.2025 (Annexure P-3) passed by this Court in CRM-M-3371-2025.

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 the petitioner is a habitual offender as he is also involved in another case.

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 effect that the petitioner was not named in the FIR and was only nominated in the present FIR on the basis of the disclosure statement of co-accused and except that no other cogent material is available with the prosecution to connect the petitioner with the alleged commissioning of offence, moreover, no recovery has been effected from the conscious possession of the petitioner added with the fact that similarly situated co-accused already been granted the concession of anticipatory bail, hence, this Court finds no reason to deny the present 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.

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “***Baljinder Singh alias Rock vs. State of Punjab***” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be

looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

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

13.02.2025
Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>