



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
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CRM-M-8281-2025
Decided on : 12.05.2025

Surjit Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kuldeep V. Singh, Advocate and
Ms. Jaspreet Kaur, Advocate,
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the present petition, on 14.02.2025, following order was passed by this Court:-

“ 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 & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Surjit Singh, aged about 47 years	8	07.01.2025	15(c) of NDPS Act, and (Section 29 of the NDPS Act added later on)	Phillaur	Jalandhar

2. Learned counsel for the petitioner, inter alia, contends that the recovery of 144 Kgs of poppy husk has been affected from the truck which was being driven by the accused namely Buta Singh and another accused namely Kulwant Singh was also sitting in the cabin of the truck. On that account, FIR was registered on 07.01.2025 against the said co-accused. Name of the petitioner does not appear in any manner, in the version of the FIR. Subsequent to the registration of the FIR, from the disclosure statement of the above named accused, name of the petitioner was also involved in the case.

Counsel for the petitioner also submits that in fact,



petitioner – Surjit Singh had made a complaint dated 28.06.2024 to (1) DGP, Bureau of Investigation, Punjab Police, Chandigarh, (2) Commissioner of Police, Jalandhar, and (3) Senior Superintendent of Police, Rural Jalandhar, against (1) Inspector Sukhdev Singh, (2) ASI Angrej Singh, (3) ASI Nishant Singh, wherein certain allegations were levelled by the petitioner against those police officials, including of his false implication in the FIR No.127 dated 05.05.2024 under Section 21(b) of the NDPS Act. Since petitioner was being harassed by the police, one direction petition i.e. CRM-M-43063-2024 was instituted by the petitioner, and same was disposed of by co-ordinate Bench of this Court, vide its order dated 02.09.2024 (Annexure P-4).

It is on that account that petitioner has now been implicated 5th time by the police, in the case under the NDPS Act, though there is no recovery and no direct evidence available with the police regarding the connectivity with the other named accused in the FIR from whom recovery of 144 kgs of poppy husk has been affected. In fact, involvement of the petitioner is a malicious action at the part of the police.

3. *Counsel for the petitioner also points out that earlier the petitioner was involved in other four cases registered under NDPS Act and all those cases were pertaining to the non-commercial quantity. Three of the cases are still pending trial, and one has been decided but he is not sure that the petitioner is acquitted or has been convicted with the sentence already undergone.*

However, referring to the aforementioned factual aspect from the record, which is appended with the present petition, counsel for the petitioner submits that involvement of the present petitioner is highly doubtful, and he is ready to join the investigation as and when required by the Investigating Officer.

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

4. *Notice of motion.*

5. *On advance notice, Mr. Amandeep Singh Samra, AAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, and to file status report in the matter.*

6. *Adjourned to 08.04.2025.*

7. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the 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 (earlier Section 438(2) Cr.P.C.).

8. Besides, the 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.”

2. Learned counsel for the petitioner contends that in compliance of the order dated 14.02.2025, passed by this Court, the petitioner has already joined the investigation and is ready to co-operate with investigation agency, as and when same is required again.

3. On the other hand, learned State counsel file status report dated 01.04.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State Counsel, while referring to the status report, submits that although the petitioner has joined the investigation, but he is directly involved in the case in hand, and therefore, his custodial interrogation would be necessary to ascertain the truth.

Upon this, when questioned by this Court, the learned State Counsel could not point out any connecting evidence apart from the disclosure statement. Therefore, this Court does not find any substantial reason to subject the petitioner to custodial interrogation.

5 Heard.

6. Since the petitioner has already joined the investigation and his custodial interrogation is not even asked for, present petition is **allowed** and



the ad-interim order dated 14.02.2025 is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. **Accordingly, petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

May 12, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*