

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-9179-2025
DECIDED ON : 21.04.2025

GURNAM SINGHPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J.

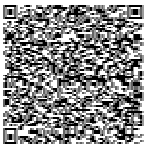
1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Gurnam Singh, aged 43 years	243	14.07.2024	21(b) of the NDPS Act, 1985	Adampur	Hisar

2. On 18.02.2025, following order was passed:-

“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

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petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<i>Name of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Gurnam Singh, aged 43 years</i>	<i>243</i>	<i>14.07.2024</i>	<i>21(b) of the NDPS Act, 1985</i>	<i>Adampur</i>	<i>Hisar</i>

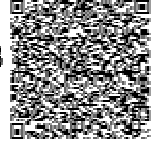
2. Learned counsel for the petitioner, inter alia, contends that the recovery in the present case involves 6.85 grams of Heroin from the accused, Manish @ Golu, on 14.07.2024. Subsequent to the registration of the FIR, a disclosure statement was recorded on the same day, i.e., 14.07.2024, of accused Manish @ Golu. As per the contents of the FIR, the quantity of Heroin purchased by him from the petitioner was mentioned as 6.50 grams. However, at the time of producing the case property before the Magistrate and preparing the inventory, upon weighing, it was found to be 6.98 grams.

Thus, learned counsel argues that the recovered contraband cannot conclusively be claimed to have been supplied by the petitioner to the main accused Manish @ Golu, as three different quantities have been recorded at different stages of the case.

Furthermore, counsel submits that under the NDPS Act, 5 grams of Heroin is classified as a ‘small quantity’ , and in this case, the contraband ’ s quantity is only slightly above the small quantity limit. Therefore, counsel prays for the grant of anticipatory bail to the petitioner in the present case.

3. Notice of motion.

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4. *On advance notice, learned State counsel puts in appearance on behalf of the respondent-State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and, in case of necessity, to file status report.*

5. *Adjourned to 21.04.2025.*

6. *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.).*

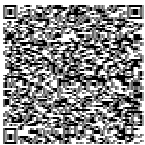
7. *Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court. ”*

3. Learned counsel for the petitioner contends that in compliance of the order dated 18.02.2025, passed by this Court, the petitioner has joined the investigation, and has fully co-operated.

4. Learned State counsel has filed status report dated 12.04.2025 along with Annexures R-1 to R-3 in the Court today and the same is taken on record. He, on instructions from ASI Rohtash, confirms the said averment and submits that the custodial interrogation of the petitioner would not be required now for the purpose of investigation.

5. Heard learned counsel for the parties.

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6. Since the petitioner has joined the investigation custodial interrogation is no more required, present petition is allowed and ad-interim order dated 18.02.2025, passed by this Court 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. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 21, 2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>