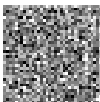


2025.PHHC.024673



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9895-2025
DECIDED ON: 20.02.2025

RAGHVIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Dhaliwal, Advocate and
Ms. Komalpreet Kaur, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.07, dated 24.01.2025, under Sections 22, 25, 29, 61, 85 of NDPs Act, and Section 223 of BNS, 2023, registered at Police Station Rureke Kalan, District Barnala, Punjab.

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

“Copy of Ruga (message) officer incharge Police Station Rureke Kalan, Fateh Today I sub inspector along with head constable Gursewak Singh 28/BR, CC Jatinder Singh 129/BR, Lady Constable Manpreet Kaur 95/BR in government vehicle Scorpio bearing number PB-65-BH-0803 who's driver had constable Jaspal Singh 654/BR along with Laptop, Printer, investigation kit were present at Bus stand Rureke Kalan for the purpose of patrol and

checking of suspicious person the time was at around 12:15PM. The secret informer gave information privately that Ravi Kumar alias Lila son of Saroop Chand son of Budh Ram resident of Baba Deep Singh Nagar, Street no. 02 Kachehri chownk, Barnala at present resident of Aggarwal city Dhaula near dharmshala village Dhaula has shop namely Ravi Medicos who in his shop under the pretext of normal medicines is habitual of selling intoxicating tablets and intoxicating capsule on whom earlier also the case for selling intoxicants is registered if now raid is conducted on his shop then from his possession intoxicating tablets and intoxicating capsules can be recovered. The information is true and trustworthy. Ravi Kumar alias Lila son of Saroop Chand son of Budh Ram resident of Baba Deep Singh Nagar, Street no. 02 Kachehri chownk, Barnala at present resident of Aggarwal city Dhaula fulfills the conditions of offence under section 22,25/61/85 NDPS Act and 223 BNS by keeping in his possession in his shop and selling the intoxicating tablets and intoxicating capsules. Therefore ruga is being sent by hand through Lady constable Manpreet Kaur 95/BR to police station Gholia for registration of case Ravi Kumar alias Lila son of Saroop Chand son of Budh Ram resident of Baba Deep Singh Nagar, Street no. 02 Kachehri chownk, Barnala at present resident of Aggarwal city Dhaula. After registration of case the case number be intimated control room be informed. Report under 42 (2) NDPS Act, is being sent separately. I sub Inspector along with Police party proceed towards spot for conducting raid. Within limits of Bus Stand Rureke Kalan Time 12:45PM signature Ranjit Singh ASI Police Station Rureke Kalan dated 24.01.2025. After receiving case number 07 dated 24.01.2025 under section 22, 25 /61/85 NDPS Act and 223 BNS Police Station Rureke Kalan is registered against Ravi Kumar alias Lila son of Saroop Chand son of Budh Ram resident of Baba Deep Singh Nagar, Street no. 02 Kachehri chownk, Barnala at present resident of Aggarwal city Dhaula. Entry is recorded. Control room Barnala is being informed through e-mail. Lady constable Manpreet Kaur 95/Barnala is being given the original Ruga and the copy of FIR and sent to ASI Ranjit Singh 1273/BR.,.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of interrogation of co-accused Ravi Kumar @ Lila from whom the alleged recovery of 1239 intoxicating tablets and 4260 intoxicating capsules were effected. He further

submits that no recovery whatsoever has been effected from the conscious possession of the petitioner.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that in the present case 1239 white colour intoxicant tablets and 4260 capsules were recovered. But he could not put forth any material to connect the petitioner with the alleged contraband.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that admittedly no recovery has been effected from the conscious possession petitioner and the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

20.02.2025

Meenu

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