



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11177-2025
DECIDED ON: 28.02.2025

ISHVAR SINGH ALIAS ISHU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajnish K. Gupta, Advocate
for the petitioner.

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 petitioner in case FIR NO. 28 dated 08.02.2025 under Sections 21B/61/85 of NDPS Act, P.S. Odhan, District Sirsa (Annexure P-1/T).

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

"To The SHO, Police Station Odhan. Jai Hind! Today I, SI in full dress alongwith HC Sandeep Kumar no. 53/DWI, C Mandeep Singh no. 283/DWL, in government vehicle no. HR - 25-GV-5000 whose driver is HGH Mintu no. 4724/Sirsa in civil dress alongwith personal laptop and printer in order to find out the crime were patrolling from village Ghukka Wali to village Khaisher Garh, when reached on the T-point of the boundary area of village Khaisher Garh then one person was

seen standing on T- point and the said person while seeing the police vehicle immediately rushed inside the fields of wheat and I SI apprehending some crime while immediately getting stop the vehicle alongwith the help of other officials while running towards caught hold the said person and on asking his name and address the said person told his name as Sandeep Singh @ Meeta son of Ajaib Singh, resident of Ghukka Wali and when the reason for running in fields was asked then he could not reply satisfactorily then I SI having doubt about the intoxicant material with the said person issued notice under Section 50 of NDPS Act to the person namely Sandeep Singh @ Meeta son of Ajaib Singh, resident of Village Ghukka Wali and informed the said person that I SI Mohinder Singh 1258/Sirsa, CIA Staff Kalanwali informs you namely Sandeep Singh @ Meeta son of Ajaib Singh, resident of Ghukka Wali through this notice that I have doubt that you are possessing intoxicate material and in that connection your search is required to be carried out and you have a legal right that you get yourself searched through nearby Illaga Magistrate Sahib or some Gazetted Officer by calling them upon at the spot or you can be brought before them for carrying the search. You please clear about your search. The accused after hearing and understanding the notice given by I SI has got recorded his reply to the notice that I Sandeep Singh @ Meeta son of Ajaib Singh, resident of Village Ghukka Wali have heard and understood the notice issued by you SI Mohinder Singh no. 1258/ Sirsa, CIA Staff, Kalanwali and I wants to be searched in the presence of some Gazetted Officer and upon notice and reply accused Sandeep Singh @ Meeta son of Ajaib Singh r/o village Gukka Wali and witnesses have appended their respective signatures and thereafter as appointed by the Id. Deputy Commissioner, Sirsa I, SI from my personal mobile no. 90888-00034 has requested Gazetted Officer Sh. Satbir Singh E.T.O. 0/o D. E.T.C. (Sale Tax) Sirsa on his mobile no. 94162-96960 at about 4.50 p.m. informed him about the case and requested him to come down on the spot then Sh. Satbir Singh E.T.O. has directed that I am

present E.T.O. Office Sirsa and you please bring the arrested person before me in my office and then I SI alongwith co-officials have taken the accused Sandeep Singh @ Meeta in the aforesaid government vehicle and reached E.T.O. office Sirsa and met the Gazetted Officer Sh. Satbir Singh E.T.O. and then I SI produced the notice and reply to the notice alongwith the arrested person Sandeep Singh @ Meeta before the Gazetted Officer and the Gazetted Officer after reading the notice and reply to the same signed the same and I SI has carried out the search of accused Sandeep Singh @ Meeta as per rules according to the directions given to me and during search heroin contained in transparent pouch has been recovered from the right pocket of the trouser of accused Sandeep Singh @ Meeta and the weight of the recovered heroin was carried out which came to 5.74 grams alongwith the weight of transparent pouch and after that the parcel of the recovered heroin in transparent pouch was prepared and sealed with seal MS/3 and the Gazetted Officer Sh. Satbir Singh E.T.O. has also put his seal on the parcel of the recovered heroin as S.S/1 and the sample seal was also prepared. Thereafter, on the parcel of recovered heroin weighting 5.70 gram and sample seal etc. has been taken in the custody of the police vide property seizure memo and on property seizure memo accused Sandeep Singh @ Meeta aforesaid and witnesses have appended their respective signatures and I SI after using the seal has given the sample seal to HC Sandeep Kumar no. 53/DWL Crime Branch, Kalanwali and the Gazetted Officer Sh. Satbir Singh E.T.O. has verified the property seizure memo and parcel of heroin and after using the seal has kept the same with him. Then on interrogation from Sandeep Singh @ Meeta aforesaid he has said that he has purchased the recovered heroin from Ishvar @ Ishu son of Mohan Lal, resident of Ghodawali and therefore, the accused Sandeep Singh @ Meeta son of Ajaib Singh, resident of village Ghukkawali by keeping in his possession heroin weighing 5.70 grams and Ishvar @ Ishu son of Mohan Lal, resident of Village Ghodawali by selling

the recovered heroin has committed the offences under Section 21B/61/85 of NDPS Act. The videography of the proceedings of recovery and search have been carried out on my personal mobile Marka Oppo Company through HGH Mintu no. 4724/Sirsa on App namely E- Sakshya app which after reducing in writing for lodging the FIR is with C Mandeep Singh no. 283/DWL in the Police Station. After registration of case FIR number be informed and for further carrying out the investigation other investigating officers be sent on spot. I SI alongwith co-officials and also with the accused with the case property in government vehicle is rushing towards the place of occurrence i.e. Village Khaisher Garh.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 5.74 grams of heroin was recovered from the co-accused namely Sandeep Singh @ Meeta, on whose disclosure statement the petitioner was nominated as an accused in the instant FIR. It has been contended on behalf of the petitioner that the quantity of recovered contraband i.e. 5.74 grams of heroin is slightly higher than the small quantity i.e. 5 grams. It has been further contended that nothing has been recovered from the conscious possession of the petitioner and is ready and willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of

anticipatory bail to the petitioner on the ground that the custodial interrogation of the petitioner is required to unearth the source of supply of prohibited contraband.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Sandeep Singh @ Meeta, from whose possession the alleged contraband i.e. 5.74 grams of heroin was recovered and the fact that nothing incriminating has been put forth by the prosecution to connect the petitioner with his co-accused Sandeep Singh @ Meet, this Court is of the considered view that now nothing is to be recovered from the present petitioner for which his custodial interrogation is required at this stage. Hence, the petitioner deserves the concession of anticipatory bail at this stage.

5. **Decision**

In the light of above, the petitioner is 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 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

28.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No