

2025:PHHC:077316



202.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-12316-2025

Date of decision: 01.07.2025

Surinder Singh @ Bittu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Salil Dev Singh Bali, Advocate, and
Ms. Simmy, Advocate,
Mr. Rajinder Yadav, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail, under Section 482 of BNSS, 2023, in case FIR No.60, dated 29.11.2024, under Section 21 of NDPS Act (Section 29 of NDPS Act added lateron), registered at Police Station Amir Khas, District Fazilka.

2. On the last date of hearing i.e. 05.03.2025, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner *inter alia* contends that the petitioner has yet again been falsely implicated in the present case on account of a history of strained relations between him and the police; on two previous occasions as well, the petitioner had been involved in false cases under the NDPS Act in which he had since been acquitted. While drawing the attention of this Court to Annexures P-3 and P-4

which are the relevant judgments acquitting him of the offences under the NDPS Act, learned counsel has asserted that the trial Court also had made categorical observations that it was on account of some enmity between the petitioner and one of the senior police officials i.e. DSP Gurbhej Singh that the possibility of the petitioner's false implication in one of those cases could not be ruled out. Learned counsel has further asserted that in the present case, alleged recovery made from co-accused Sani @ Sagar was 20 grams of heroin (non-commercial quantity), and furthermore, said co-accused had since been extended the concession of regular bail."

3. Learned counsel for the petitioner submits that in compliance of order dated 05.03.2025, petitioner has joined investigation and cooperated with the investigating agency.

4. Status report by way of affidavit dated 30.06.2025 of Jatinder Singh Gill, PPS, Deputy Superintendent of Police, Sub-Division Jalalabad, District Fazilka, on behalf of respondent-State, has been filed in Court today, which is taken on record subject to all just exceptions.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation but submits that he has not fully cooperated with the Investigating Agency. However, on instructions, learned State counsel has not been able to dispute that co-accused from whom the alleged recovery of 20 grams of heroin was made has already been released on bail and further, the petitioner stands acquitted in the two cases under NDPS Act, in which he was booked previously.

6. In view of the above, the petition is allowed and interim order dated 05.03.2025, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

7. However, in case the petitioner is found misusing the concession of bail, the State would be at liberty to seek cancellation of the same.

8. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 01, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No