



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15733-2025
DECIDED ON: 24.03.2025

HARDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. J.K. Singla, Advocate and
Ms. Shivani Singla and Ms. Suman Rani, Advocates
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked for the second time under Section 482 BNSS, 2023 for grant of anticipatory bail to petitioner in FIR No.02 dated 24.01.2025 under Sections 21(b), 29 and 27 of NDPS Act (Act No.61 of 1985) registered at Police Station Sadar Budhlada, District Mansa (Annexure P-2).

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

“Copy of ruga, SHO, Police Station Sadar Budhlada, Jai Hind, Today, I, S.I. along with HC Harjinder Singh 676/Mansa, HC Hakam Singh 1107/Mansa, SC Malkeet Singh 1011 and SC Gurwinder Singh 1482 in civil uniform departed towards Sub Division Budhlada for checking of suspected persons and suspected vehicles by travelling in Government Vehicle bearing registration

number No.PB31-P-5538 which was driven by C China Ram No.594 and during checking when the police party half kilometer behind from village Biroke Khurd from village Borawal side then one vehicle Scoda Rapid of grey colour bearing No.PB19-G-6309 was seen coming from village Biroke Khurd which was driven by one hair cut young person and one hair cut young person was sitting on conductor side and one another hair cut boy was sitting on back seat when the driver of said vehicle got perplexed after seeing the vehicle of police party and suddenly applied breaks, stopped and tried to run away while turning vehicle back but the vehicle was stopped due to nervousness then the driver of vehicle, person sitting on conductor side and the person sitting on back seat tried to run by opening the windows of Car then I, S.I. actively come out from vehicle and got apprehended these three persons immediately come out from vehicle with the help of colleagues then asked the names and addresses then the driver told his name as Sukhraj Singh Son of Jagjit Singh Son of Sadhu Singh, resident of House No.568, Canal Road, Jawandi Kalan, Ludhiana and whose identification is as under: Aged about 25 years, fair complexion, clean shave and hair cut, slim and active body, mark of injury near thumb of left hand, the person sitting on conductor seat told his name as Dupinderjit Singh Son of Gurmail Singh Son of Kartar Singh, resident of Near Permanent Gate, Village Jodha Pakhowal Road, Ludhiana and whose identification is as under: Aged about 23 years, fair complexion, medium body, clean shave and hair cut, mark of injury on forehead and tattoo was made on both arms and then the person sitting on back seat told his name as Sumant Sharma Son of Gaurav Sharma Son of Kewal Krishan Sharma, resident of Near Bawa Telecom,

New Pratap Nagar, Sultanwind Road, Amritsar and whose identification is as under: Aged 23 years, Fair Complexion, clean shave and hair cut, healthy and mark of cut inside of little finger of right hand and trust no one was written on left hand then I, S.I. tried to join private witnesses on the spot and two-three persons has also come on the spot but everyone has left by showing their inability. Thereafter, I, S.I. issued Notice under Section 50 of NDPS Act separately to above said accused Sukhraj Singh, Dupinderjit Singh and Sumant Sharma and told that there is suspicion about intoxicant substance inside plastic sack of black colour laying between gear box and conductor seat of Scoda Rapid of Grey colour bearing No.PB19-G-6309 in your possession and therefore, want to check all of you and plastic sack of black colour laying inside vehicle in your possession but you have legal right that you can check yourself, vehicle in your possession and sack laying in vehicle from any Magistrate Sahib or Gazetted Officer or either bring all of you along with your vehicle and plastic sack of black colour before them and upon this, Notice under Section 50 NDPS Act has been prepared separately and upon which the above said accused persons put their signatures and witnesses put their testimony. Thereafter, I, S.I. told to accused Sukhraj Singh, Dupinderjit Singh and Sumant Sharma that I, S.I. Rajinder Singh No.403/Mansa posted as I.O., C.I.A. Staff Mansa and I am in uniform as per my rank and name plate in Punjabi is affixed. There is suspicion about intoxicant substance in plastic sack of black colour laying between gear box and conductor seat of Scoda Rapid Car Grey Colour bearing No.PB19-G-6309 in your possession and due to this reason want to check you and vehicle in your possession as well as plastic sack of black colour but you have legal right that you can check

yourself, vehicle in your possession and sack laying in vehicle from any Magistrate Sahib or Gazetted Officer or either bring all of you along with your vehicle and plastic sack of black colour before them then they stated that we have full faith upon you and you can check ourselves, vehicle in our possession and plastic sack of black colour laying between gear box and conductor seat of Car on the spot and upon this, information memo, legal right memo and consent memo was prepared separately and the accused persons put their signatures and witnesses put their testimony on it. Thereafter, I, S.I. checked the plastic sack of black colour laying between gear box and conductor seat of their car and out of which one transparent sack out of which Heroine (Chitta) was recovered. Thereafter, I, S.I. were checked the weight of recovered Heroine (Chitta) with the help of Computer Kanda/Weighing Machine and found 150gm along with sack. Recovered Heroine (Chitta) was put into same transparent and black colour sack and prepared one bundle, thereafter, I, S.I. was checked the vehicle in the possession of above said accused then no papers were found from the dashboard of the vehicle. Abovesaid bundle of recovered Heroine (Chitta) was duly attested by me/S.I. with his stamp word RS and sample stamp was prepared separately and thereafter, handed over to HC Harjinder Singh 676/Mansa and thereafter, bundle of recovered Heroine (Chitta) along with stamp and sample stamp and above said number Car was taken into police possession vide recovery memo. Videography was made on the spot. Witnesses put their testimony on memo. Accused Sukhraj Singh, Dupinderjit Singh and Sumant Sharma have committed offence under Section 21(b)/61/85 of NDPS Act by keeping Heroine (Chitta) in their possession and upon this, ruqa against Sukhraj

Singh, Dupinderjit Singh and Sumant Sharma has been sent to Police Station through SC Gurwinder Singh 1482 for registration of case under the above said Sections.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 150 grams of heroin was recovered from other co-accused persons namely Sukhraj Singh, Dupinderjit Singh and Sumant Sharma, on whose disclosure statement the present petitioner was nominated as an accused in the instant FIR. He further contends that nothing has been recovered from the conscious possession of the petitioner and there is no direct evidence to connect the petitioner with the alleged commissioning of the offence. It has been further contended that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner, arguing that the disclosure statements of the co-accused reveal that they used to obtain the heroin in question from the present petitioner.

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 Sukhraj Singh, Dupinderjit Singh and Sumant Sharma, from whose

possession 150 grams of heroin was recovered; nothing has been recovered from the present petitioner as whatever recovery was effected was from other co-accused persons in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

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.

24.03.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No