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2025:PHHC:045055



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18200-2025
DECIDED ON: 03.04.2025

VISHAL KUMAR ALIAS SUNDI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pushp Jain, Advocate for
Mr. Himanshu Bansal, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 (corresponding Section 438 of Cr.P.C.,) for grant of anticipatory bail to the petitioner in FIR No.0041, dated 03.03.2025, under Sections 22, 27, 29 of NDPS Act, 1985 registered at Police Sation Canal Colony, District Bathinda.

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

“Today I alongwith constable Pankaj Kumar 1900/Bathinda, Constable Inderjit Singh 463 and PHG Gagandeep Singh 22327 were on patrol in the government vehicle Bolero Camper number PB 65 BC 2432, driven by Constable Harwinder Singh 1585/Bathinda, checking suspicious persons, coming from Sanguana Basti via Narwana Road towards the Badal-Bathinda Road When the police party was turning left from the turn of the overbridge on the Badal Bathinda Road, at approximately 01:00 PM, four young, clean-shaven men were seen sitting by the overbridge pillar, doing something with transparent plastic packets in their hands. Suspecting

something amiss. I stopped the vehicle and went closer. Upon inspection, the transparent plastic packets they were holding clearly contained strips of narcotic pills. I, along with my colleagues, apprehended the said young men. Attempts were made to include private witnesses at the scene, but everyone cited their own compulsions and no one was willing to be a witness. Then, I asked the apprehended individuals for their names and addresses. The first person identified himself as Visakha Singh, son of Prabhu Dayal, resident of Street Number 02, Janata Nagar, Bathinda. The second person identified himself as Arshdeep Singh alias Anu, son of Rakesh Kumar, resident of Street Number 8/2, Janata Nagar, Bathinda. The third young man identified himself as Deepak Kumar alias Deepu, son of Rajinder Kumar, resident of Street Number 02, Janata Nagar, Bathinda, and the fourth identified himself as Satpal Singh alias Sonu Katta, son of Kuldeep Singh, resident of Street Number 04, Amarpura Basti, Bathinda. Then, following the procedure under Section 50 of the NDPS Act, I informed Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta, one by one, that my name is Raghveer Singh, and I am the investigating officer at Police Station Canal Colony, Bathinda, District Bathinda, Punjab. I am in uniform and have a nameplate. There is suspicion that the transparent plastic packets in their hands contain narcotics. Therefore, their personal search and the search of the packets were to be conducted under the Narcotics Act. They were legally entitled to have their search and the search of the transparent plastic packets conducted by a magistrate or a gazetted officer, or they could be taken to them. Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta voluntarily agreed and stated that they did not want their search or the search of the packets to be conducted by a magistrate or a gazetted officer, but they wanted it to be done by me on the spot, as they had full faith in me. Separate information and consent forms were prepared, on which Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta signed, and Constables Pankaj Kumar 1900/Bathinda and Inderjit Singh 463/Bathinda signed as witnesses. Then, I checked the transparent plastic packets held by Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta, and found 4 strips, totaling 40 narcotic pills, marked SOLOPOSE BETA 0.5 MG, labeled ETIZOLAM 05 MG, PROPANOLOL HYDROCHLORIDE 20 MG. The batch number, expiry date, and MRP were erased from these strips. The recovered narcotic pills, along with the plastic packets, were placed in a cloth bag and sealed. I sealed the packet with my personal seal RS, and a separate sample seal was prepared. The seal was handed over to Constable Pankaj Kumar 1900/Bathinda for safekeeping after use. The recovered narcotic pills, in the sealed packet, along with the sample seal, were taken into police custody through a recovery memo. Witnesses signed the memo. Upon further personal search of Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta, no cash or valuables were recovered. Separate non-recovery memos were prepared, on which Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta signed. Constables Pankaj Kumar 1900/Bathinda and Inderjit Singh 463/Bathinda signed as witnesses. Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta committed an offense under Section 22/61/85 of the NDPS Act by possessing narcotic

pills. Therefore, this report is being sent to PHG Gagandeep Singh 22327 to register a case against Visakha Singh, Arshdeep Singh alias Anu, Deepak Kumar alias Deepu, and Satpal Singh alias Sonu Katta. Please register the case and inform me of the case number. Special reports are being issued. Information is being sent to the DCR. I. along with my colleagues, am busy with the investigation at the scene Signed/- Raghveer Singh ASI, Police Station Canal Colony, Bathinda. Date 03.03.2025. Location: Near Overbridge, Badal Bathinda Road Time: 03:00 PM. Upon receipt. the case against the said accused is being registered and the Investigation is being recorded Copies of the FIR and special reports are being sent to the Honorable Area Magistrate and senior officers via Constable Lakhwinder Singh 653/Bathinda Information is being sent to DCR Bathinda. The original FIR file is being sent to ASI Raghveer Singh 696/Bathinda at the scene via PHG-”

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 disclosure statement of co-accused Bishaka Singh from whom the alleged recovery of 40 tablets of SOLOPOSE-BETA 0.5 MG containing salt of Etizolama was recovered. He further submits that co-accused persons namely Arshadeep Singh has already been granted the concession of regular bail by the trial Court vide order dated 17.03.2025 (Annexure P-3). He contends that no recovery is to be effected from 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 the petitioner was named by his co-accused namely Bishaka Singh in his disclosure statement from whom the contraband has been recovered, therefore, custodial interrogation of the petitioner is required.

4. Analysis

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no recovery of contraband i.e., 40 tablets of SOLOPOSE-BETA 0.5 MG containing salt of Etizolama was effected from the petitioner and the same is non-commercial in nature added with the fact that 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. Relief:-

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

03.04.2025

Meenu

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