

106

2025:PHHC:045056



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

**CRM-M-18296-2025
DECIDED ON: 03.04.2025**

**SUKHRAJ SINGH ALIAS SUKH ALIAS SUKHBAJ SINGH
.....PETITIONER**

VERSUS

**STATE OF PUNJAB
.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.37, dated 14.03.2025, under Sections 21, 29, 27-A of NDPS Act, 1985 and Section 111 of BNS, 2023 registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

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

“Station House officer, Police Station Shri Hargobindpur, Jai Hind, today I, SI along with ASI Kartar Singh No. 1989/Batala, ASI Mohan Singh No. 1632/Batala, ASI Kulwant Singh No. 3034/Batala, HC Hardev Singh No. 1956/Batala, on Private Vehicle including Laptop, Printer, accessory on patrolling duty

regarding the search of bad elements were going to village Marri Panwan, Dhirowal etc. via Lightan Wala Chowk from police Station Shri Hargobindpur. When the police reached near the Pannu Palace at marri Panwan during the patrolling, then from the side of Pannu palace, clean shaven youth was started to walking on the paved road who got perplexed and tried to turn back and tried to throw the transparent polythene which was holding in his right hand after seeing the police party. I, SI with the help of fellow police officials apprehended him at the spot and asked his name and address, who disclosed his name as Manpreet Singh @Bauo S/o Chaichal Singh resident of village Marri Panwan.

The transparent polythene which was holding in his right hand opened and from which heroine was got recovered. The recovered heroine was measured with computer scale and which was found 5 heroine grams including the weight of transparent polythene. The recovered heroine put into the plastic box and prepared the parcel and the parcel was sealed with seal of MS by me and duplicate stamp prepared separately and after using the same stamp was handed over to ASI Kartar Singh No.1989/Btl. The Parcel along with measuring 5 Gram Heroine including the weight of transparent polythene taken into the police possession vide separate farad as evidence and no public witness and magistrate or gazetted officer inducted due to surprise recovery of heroine. The three note of 500/500 and two note of Rs. 100/100, as drug money total Rs. 1700/- were got recovered from the left pocket of worn lower during the personal search of the Manpreet Singh @ Bau and same was taken into police possession vide separate memo. The above said Manpreet Singh@ Bau r/o Marri Panwan during the formal investigation disclosed that above said Heroin purchased from Sukhraj Singh @ Sukh S/o Gurcharn Singh resident of Village Marri Panwan who used to supply the said heroine nearby villages. Upon which, the above said Sukhraj Singh nominates as accused in the case.

The above said Manpreet Singh @ Bauo resident of Village Marri Panwan had committed the offence under section 21/29/27-A, 61-85 NDPS Act and 111 BNS after keeping the heroine of 5 grams in his possession. The Ruqa is being sent through dasti HC Hardev Singh No. 1956/Btl., to police Station for registering the case. its number be informed after registering the case. The specials reports be prepared and is being sent to higher officials. The control room be informed I, ASI busy in the investigation at the spot.”

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 Manpreet Singh @ Bauo from whom the alleged recovery of 5 grams of heroin alongwith the drug money of Rs.1700/- was recovered. He further submits that except the disclosure statement of co-accused, no incriminating material has been put forth by the prosecution to connect the petitioner with the alleged contraband.

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 in his disclosure statement as the supplier from whom the alleged contraband recovery was purchased 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 recovery of contraband i.e., 5 grams of heroin and drug money of Rs.1700/- was effected from the co-accused Manpreet Singh @ Bauo and the contraband is of small quantity only 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 concession of anticipatory 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

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*