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

**CRM-M-21200-2025(O&M)
DECIDED ON: 24.04.2025**

MANDEEP SINGH @ DEEPI**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Deepak Malhotra, Advocate
for the petitioner.

Mr. Jastej Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 05, dated 27.01.2025, under Section 22 of NDPS Act, registered at Police Station Mahilpur, District Hoshiarpur.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

*‘To the S.H.O., P.S. Mahilpur District Hoshiarpur Jai Hind.
Today I ASI along with ASI Gulshan Mohammad No.1618/HSP,
ASI Manjit Singh No.1577/HSP, ASI Ranjit Singh No.120/HSP,
L/SR/CT Prabhjot Kumari No., 153/11SP, PIG Jaswinder Singh
No.26920 with laptop and printer were in the government
Scorpio vehicle No. PB 65 BG 4908 which was driven by ASI
Kulwinder Singh No.681/HSP along with investigation kit for the*



purpose of patrolling and for checking of suspicious elements and were going from Mahilpur to Nangal Khurd etc. When the police party reached near the Dana Mandi Mahilpur then a clean-shaven gentleman and a woman were standing with a Bullet Motor cycle bearing No.CH-03-Y 5592 of silver colour in front of the Mandi. On seeing the vehicle of police party, the gentleman threw a weighty envelope of black colour for away which he was holding in his left hand and the woman was holding an weighty envelope in her left hand. Then I ASI stopped the vehicle and apprehended them for checking on the basis of suspicion with the help of companions and asked their names and address. Upon this, the cleaned shaved gentleman told his name as Hardeep Kumar son of Onkar Nath resident of Adarsh Nagar, Mohali at present the house of Faujan Jasbir Kaur Ward No.11, Mahilpur, and the woman told her name as Harminder Kaur wife of Hardeep Kumar r/o Adarsh Nagar Mohali at present House of Faujan Jasbir Kaur Ward No.11, Mahilpur. Then the time at that moment was 7.30 PM and I ASI while making the videography made them aware that I am ASI Gurnek Singh and I am posted at P.S. Mahilpur District Hoshiarpur and working as Investigating Officer and all my companions are also from P.S. Mahilpur and wearing their uniforms. Then I told Hardeep Kumar that I am suspecting that the black colour envelope which you threw is containing something illegal and I have to conduct your search as well as search of the envelope of black colour and that of motor cycle. But you have legal right to conduct the search of yourself and that of the envelope which you threw from your left hand in the presence of any Gazetted Officer or Magistrate and thus the arrangement can be made. Upon this he said that I can conduct his search as well as search of the envelope which I threw from my left hand and that of motor cycle. In this way. I introduced myself to Harminder Kaur and asked her if she is interested for her search as well as search of the envelope which she was holding in her left hand from any Gazetted Officer/



Magistrate, then arrangement can be made. Then both of them told in uniformity that they have full faith upon me and I can get their search conducted. Thereafter their separate consent memos of Hardeep Kumar and Harminder Kaur alias Rappi aforesaid were prepared under section 50 of NDPS Act and Hardeep Kumar put his signature on the consent memo prepared under section 50 of NDPS Act in English and Harminder Kaur put her signatures on the consent memo prepared under section 50 of the NDPS Act in the English. Then ASI Manjit Singh No.1577/HSP, L/SR/CT Prabhjot Kumar No.153/HSP put their signatures as witnesses. Before conducting the search of both, all out efforts was made by the police party to join an independent witness from the Public, but every passerby showed their helplessness and one joined the police party. Then I ASI in the presence of companions made Hardeep Kumar to pick up black envelope thrown by him and opened it and checked it and intoxicating substance of pink colour was recovered from transparent enveloped which was there. After conducting the search of Hardeep Kumar as well as Motor cycle, nothing objectionable was recovered. Then the intoxicating substance which was recovered from the envelope of Hardeep Kumar was weighted in computer kanda and it was found to be 138.36 grams and separate parcel was prepared on the spot and I put my seal as "GS". Thereafter I opened the black colour envelope which Harminder Kaur alias Rimpi was holding in her hand and intoxicating substance was recovered from a transparent envelope which there. Search of Harminder Kaur was conducted by L/SR/CT Prabhjot Kumari No.153/HSP looking to her dignity and nothing objectionable was recovered from her personal search. The intoxicating substance which was recovered from aforesaid Harminder Kaur was weighted and it was found to be 116.56 grams for which a separate parcel was recovered and I put my seal as "GS" thereon. Sample seal was separately prepared and seal after use was handed over to ASI Manjit Singh No.1577/HSP. Thereafter both the parcels



containing intoxicating substance recovered from both of them, sample parcel and sample seal were taken into possession by the police vide separate recovery memo for the purpose of proof. Recovery memo were signed by ASI Manjit Singh No.1577/HSP and L/SR/CT Prabhjot Kumari No.153/HSP who put their respective signatures as witnesses. Because Hardeep Kumar by keeping intoxicating substance of 138.36 grams in his possession and Harminder Kaur alias Rimpi aforesaid by keeping in her possession 116.56 grams of intoxicating substance without any permit have committed offence under section 22/61/85 of NDPS Act. So ruka after writing is sent through PHG Jaswinder Singh No.26920 to the Police Station for registration of case. After registration of case, its number be informed. Special reports be prepared and sent to the Illaqa Magistrate and senior officers. Control room be informed through wireless. I ASI, along with companions am present on the spot for the purpose of investigation. Sd/- Gurnek Singh ASI, P.S. Mahilpur District Hoshiarpur dated 27.01.2025 today in the area of Nangal Khurd Road, Dana Mandi, Mahilpur at: 10:10 PM.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on the basis of the previous enmity of the police officials with Seema who is wife of the petitioner as she was arrested and false recovery of 110 grams of Alprazolam was planted upon her. He submits that co-accused Mandeep Kaur has already been granted concession of anticipatory bail vide order dated 09.04.2025 passed in CRM-M-19777-2025. He fairly informs the Court that seven other FIRs are pending against the present petitioner.



Learned counsel for the petitioner undertakes 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

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner was named by co-accused persons namely Hardeep Kumar and Harminder Kaur in their disclosures statement, therefore, prays for dismissal of the petition.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties particularly to the effect that nothing has been recovered from the present petitioner and he was nominated on the basis of the disclosure statement of co-accused persons, moreso, co-accused Mandeep Kaur has already been granted concession of anticipatory bail, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of



personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

24.04.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

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