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2025:PHHC:052987



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

**CRM-M-21787-2025
DECIDED ON: 25.04.2025**

SHOBAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sahil Loura, 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.76, dated 22.03.2025, under Sections 21(b) and 29 of NDPS Act, 1985, registered at Police Station Chhappar, District Yamuna Nagar.

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

“Apart from the items of daily use, no other suspicious items were recovered from the SI and his fellow employee. A report of the search employee was prepared on which the witness put his signature and the report of the search employee was attested by the gazetted officer and then the SI told the people living in the neighbourhood or passersby to become witnesses by explaining the situation, all of whom

expressed their legitimate compulsions and left the spot without revealing their name and address and two persons standing at the spot gave their names one after the other as Harshdeep Singh son of Kewal Singh resident of village Namdarpur Police Station Chhappar, District Yamuna Nagar and the other one told his name as Abhishek Saini son of Ramkumar resident of village Topra Khurd, Police Station Chhappar, District Yamuna Nagar, whom the SI asked to become a witness at the spot, who became a witness at the spot willingly and then as per the order of the gazetted officer, the gazetted officer Shri Chaman Kishore E.T.O. As per the orders of Jagadhari Yamuna Nagar, the search of accused Sukhwinder Singh alias Sukhu was carried out as per law. During the search, a transparent plastic foil containing a brown coloured powder like substance was recovered from the left pocket of the sharp pant jeans of accused Sukhwinder Singh alias Sukhu. On being asked by the SI, accused Sukhwinder Singh alias Sukhu told that it was Heroin. The SI also identified it as Heroin on the basis of his experience. A statement of identification of the narcotic substance heroin was prepared on which the accused and the witness put their two signatures and the gazetted officer attested the statement of narcotic substance and then the SI weighed the heroin along with the transparent foil with the electronic mobile weighing scale kept in the vehicle which weighed 34.60 grams and then took the heroin out of the transparent plastic foil and weighed it, the net weight of the heroin was 34 grams and the weight of the empty plastic foil was 0.60 grams, after putting the statement of heroin in the same transparent foil and preparing a sheet of cloth, the sheet of cloth was stamped by the SI with 3 seals of SI or the gazetted officer with his AK/1 seal and a sample seal was prepared separately on which the SI JS/1 or the gazetted officer stamped with his AK/1 seal and the SI after affixing his seal handed it over to SI Rajkumar No. 137/A and the gazetted officer kept his seal with himself after the use and the SI prepared a separate recovery report for the Palanda Heroin taken into custody by the through Fard as evidence, on which the accused and the witness put their signatures. The gazetted officer

attested the recovery report and the Palanda Heroin and the sample seal. And then, the SI, while searching the clothes of accused Sukhwinder Singh alias Sukhu, recovered a mobile phone brand Apple 12 Promax of grey colour, with SIM number 9872397759 and a note of Rs. 500/-, from the right pocket of his pant jeans of sky blue colour, which had the SIM number 9872397759 and a note of Rs. 500/-, which were put in a white colour envelope and taken into custody by the through Fard. The recovery report of the accused was prepared. On which the accused and the witness have put their signatures, the gazetted officer has attested the search report of the accused and as per my orders SI Satish Kumar no. 601/YNR has done videography of the spot of incident through e- evidence app from my mobile phone brand VIVO. The accused Sukhwinder Singh alias Sukhu son of Davinder Singh resident near National Senior Secondary School, village Uncha Chandana, police station Chhappar, district Yamuna Nagar has committed the offence under section 21 (b) of NDPS Act by illegally keeping 34 grams of Heroin in his possession, for which a complaint was written and sent to Bajariya Mail. The mail of Chhappar police station is being sent from ancynr20@gmail.com to pschhapparynr@gmail.com. The spot should be informed by registering the complaint and with the complaint number and the higher officials or the area magistrate should be informed with the special report of the case. The In-charge ANC Yamuna Nagar has been informed through phone about sending another investigation officer to 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 Sadir. He further submits that the recovery of contraband i.e., 34 grams of heroin was recovered from the co-accused Sukhwinder Singh @ Sukhu, which is

non-commercial in nature. He undertakes before this Court that the petitioner is ready and willing to join the investigation.

Notice of motion.

On behalf of the State

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner is to be inquired regarding the purchase of heroin, therefore, his custodial interrogation is required.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the recovery of contraband i.e., 34 grams of heroin was effected from the co-accused Sukhwinder Singh @ Sukhu, which is non-commercial in nature and except disclosure no incriminating material has been put forth by the prosecution to connect the petitioner with the alleged contraband added with the fact that the petitioner is having 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

25.04.2025

Meenu

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