



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22198-2025
DECIDED ON: 28.04.2025

DEVENDER SINGH @ BHURA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sushil Bhardwaj, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under section 482 BNSS for grant of Anticipatory bail to the petitioner in case FIR No. 52 dated 22.03.2025 under Section 20 of Narcotic Drugs and Psychotropic Substances Act 1985 registered at Police Station Pillu Khera District Jind.

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

“To The SHO P.S. Pillukhera, Jaihind. Today I ASI alongwith HC Jitender Kumar No. 551, EHC Sandeep Kumar No. 987, Constable Vipin Kumar No. 1165 were present at Jamni Chowk in a private vehicle with private laptop printer for patrolling crime. A special informer met and informed me ASI that Jagbir Singh son of Bhim Singh, resident of village Jamni, is involved in the business of selling the Narcotic Substance Charas (Sulfa), and is standing outside his house

waiting for a customer to sell Charas (Sulfa), if an immediate raid is conducted then a huge quantity of the Narcotic Substance along with Charas (Sulfa) can be seized, on finding the information to be confirmed and true, a notice was issued at 07.20 PM under Section 42 NDPS Act and for information and taking necessary was sent to the Higher officers through Constable Vipin Kumar No. 1165 of Police Station Pillukhera and after informing the fellow employees about the information, when he reached ahead of Ritauli Road Canal Bridge in Village Jamni as per the informer, a person matching the description given by the informer was seen standing nearby. When he started walking towards the Pir with rapid steps avoiding the gaze of the police party in front, the ASI, with the help of a fellow employee, overpowered the person, whom the ASI gave full information about his name and designation to himself and his fellow employees and asked for his name and address. The person told his name as Jagbir Singh, son of Bhim Singh, resident of village Jamni, District Jind. On which the ASI prepared a separate notice under section 50 of the NDPS Act and gave it to the aforesaid accused Jagbir Singh and read it out and explained to him that I, ASI Jalora Singh, crime branch Safidon, inform you, Jagbir Singh, son of Bhim Singh, resident of village Jamni, district Jind, through notice under section 50 of the NDPS Act that I suspect that you have the narcotic substance Charas (Sulfa) in your possession and you have to be searched. For this search, you have full legal right under the NDPS Act that if you want your search to be conducted in front of a Magistrate or a Gazetted officer, he should be called on the spot. On the reply to notice, the above mentioned accused Jagbir Singh and the witnesses signed their respective signatures. Then the above mentioned accused Jagbir Singh wrote his reply notice by saying that I Jagbir Singh son of Bhim Singh resident of village Jamni District Jind have heard and understood very well the notice given by you under section 50 NDPS Act. I want my search to be conducted in front of the duty Magistrate / Gazetted officer, any Gazetted

officer should be called on the spot. On the reply notice, the above mentioned accused Jagbir Singh and the witnesses signed their respective signatures. Being on duty Shri Vikas Kumar, Naib Tehsildar Safido, appointed by Deputy Commissioner Jind for recovery of Narcotics, I ASI from my mobile No. 8759920004 at 08:05 PM, contacted Shri Vikas Kumar, Naib Tehsildar Safido on his mobile No. 9034474727 and informed him about the situation and requested him to reach at the spot and stopped about 1-2 persons coming and going to the spot and requested them to be witnesses of the spot, who without disclosing their name and address, expressed their helplessness and left the spot. At 08:20 PM, Shri Vipin Kumar No. 1165 came from Police Station Pillukheda for registering Rapat No. 32, dated 22.03.2025 and presented the notice along with the copy of the rapat to me ASI, which was kept. After waiting, at 08:50 PM, Shri Vikas Kumar, Naib Tehsildar Safido reached the spot in his vehicle, to whom I ASI presented Notice 50 under NDPS Act along with reply notice. The notice under section 50 of NDPS Act and reply notice under section 50 of NDPS Act have been signed by the Duty Magistrate. The Duty Magistrate conducted a personal search of me for drugs and when no drugs were found, a report of personal search and no recovery was prepared on which me ASI, witnesses and the Duty Magistrate signed. Then, as per the instructions of the Duty Magistrate, me ASI conducted a search of the above mentioned Jagbir Singh for drugs as per the rules and during the search, a black polythene bag containing narcotic substance Charas (Sulfa) was recovered from the left pocket of the kurta worn by Jagbir. When the recovered Charas (Sulfa) was weighed on an electronic scale, the weight of Charas (Sulfa) along with the polythene was 235 grams. The recovered Charas (Sulfa) along with a cloth along with polythene was sealed and was stamped with seal JK/3 and after sealing, the sample seal was handed over to HC Jitendra Kumar No. 551 and the packed Charas (Sulfa) was stamped with the seal SK/1 kept by the Duty Magistrate with

himself and after use, he kept the packed Charas (Sulfa) with himself and verified the packed Charas (Sulfa). The packed Charas (Sulpha) was taken into police custody as evidence in through recovery memo. Jagbir Singh above mentioned and the witnesses signed on the recovery memo and the Duty Magistrate verified the recovery memo. Since Jagbir Singh son of Bhim Singh resident of village Jamni District Jind has committed an offence under Section 20-61-85 of NDPS Act by keeping a total of 235 grams of Charas (Sulfa) in his possession without permit or licence. Therefore, the written complaint for the registration of case is being sent to the police station through Constable Vipin Kumar No. 1165. After registering the case, the case number should be informed through the slip and another investigator should be sent to the spot for further investigation.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 235 grams of charas (sulfa) was recovered from co-accused Jagbir Singh, on whose disclosure statement, the present petitioner has been nominated as an accused in the instant FIR. He further contends that co-accused Jagbir Singh has been granted the concession of regular bail by the trial Court vide order dated 18.04.2025 (Annexure P-3). It has been further contended on behalf of the petitioner that he is ready and willing to join the investigation and cooperate with the investigation officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of

anticipatory bail to the petitioner on the ground that the petitioner is the king pin who supplied the alleged contraband to the co-accused Jagbir Singh.

4. **Analysis**

Be that as it may, considering the facts that the alleged contraband i.e. 235 grams of charas (sulfa) was recovered from co-accused Jagbir Singh, on whose disclosure statement, the present petitioner has been nominated as an accused in the instant FIR; co-accused Jagbir Singh has been granted the concession of regular bail by the trial Court vide order dated 18.04.2025 (Annexure P-3) in addition to the fact that nothing is to be recovered from the present petitioner as whatever recovery was effected that was from co-accused Jagbir Singh. Also considering the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

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.

(SANDEEP MOUDGIL)
JUDGE

28.04.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No