

2025:PHHC:054624



107

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

**CRM-M-22660-2025
DECIDED ON: 29.04.2025**

JANGIR ALIAS JANGIR SINGH**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Vikas Bishnoi, 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.263, dated 08.04.2025, under Section 21(b) of NDPs Act, 1985, registered at Police Station Sadar Hisar, District Hisar.

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

“To. The Station House Officer, Police Station Sadar Hisar. Jai Hind. Today on dated 08.04.2025 I, SI Rajpal Singh no. 1127/Sirsa Haryana State Narcotics Control Unit, Bureau Hisar along with fellow colleagues Head Constable Rajbir no. 77/Hansi, Constable Rajesh Kumar no. 679/Hansi in Govt. vehicle bearing registration number HR-26GV-1051 mark Bolero which was being driven by Constable Surender Singh no. 5/505HAP and were present near Main Bus

Stand, T-point in village Peernwali. The secret informer met and gave the information that Sanjay son of Chinda resident of village Piranwali is supplying heroine near the house of Jangir Singh son of Sohan Singh resident of village Piranwali. If immediate raid is done then above said Sanjay can be caught with intoxicant substance heroine. That on finding the information true and trustworthy, I, SI informed about the information to fellow colleagues. Information under section 42 of NDPS act was prepared and was being sent through Constable Rajesh Kumar no. 679/Hissar to Police Station Sadar Hissar for information. After lodging the rapar in rapar roznamcha the same be informed and accordingly be sent to higher officials. I, SI along with fellow colleagues in government vehicle reached on the spot as told by the secret informer. Then one young boy wearing black colour T-shirt and blue colour jeans was seen standing in the vacant plot near the house of Jangir Alias Giri son of Sohan resident of Peranwali. That on seeing the police vehicle, he once tried to run away then I, SI with the help of fellow colleagues caught him and asked about his whereabouts. Then he disclosed his name as Sanjay son of Chinda resident of village Peranwali. On having the confirm information of having intoxicant substance with above said Sanjay, I, SI served him notice under section of 50 of NDPS act to the effect that I, SI Rajpal Singh no. 1127/Sirsa is posted as investigating officer in Haryana State Narcotics Control Unit Bureau, Hisar. I have shown my police identity card to you, Sanjay son of Chinda resident of Peranwali and introduced my full team. I have received the information that you are having intoxicant substance heroine with you which is prohibited under NDPS act. Under the provisions of NDPS act, you have legal right regarding your search that you can get yourself searched in presence of any Gazetted Officer or Magistrate, then they can be called on the spot or else you can be produced before them. The notice was read over to you and made understood to you. You are informed through notice and express your desire. Notice under section 50 of NDPS act was prepared and the same was signed by Sanjay and witnesses

respectively. After thinking for some time, the above said Sanjay got recorded his reply to notice under section 50 of NDPS act to the effect that 1, Sanjay son of Chinda is resident of village Peeranwali. You SI Rajpal Singh no. 1127/Sirsa Haryana State Narcotics Control Unit Bureau, Hissar have shown me your police ID card and introduced your full team to me. I have understood the notice given by you under section 50 of NDPS act. I want to get myself searched by any Gazetted officer in his presence on the spot only. You can call any Gazetted officer on the spot. I have dictated my reply to you. You have read over the reply of notice to me. Reply to the notice under section 50 of NDPS act was prepared. The same was signed by Sanjay and witnesses respectively. After that around 1 P.M. I, SI from my mobile no. 7988251903 called Gazetted officer Sh. Rameswar Dhaiya, Excise and Taxation Officer from the office of DETC (ST) Hisar from the list which was issued by Deputy Commissioner Hisar under the provisions of NDPS act on his mobile no. 9468414065 and apprised him with the situation and requested him to reach on the spot. He told that he is not having any vehicle and told to send the vehicle. On this I, SI called Constable Rajesh Kumar 679/HNS and asked him to arrange for the vehicle and to take Gazetted officer Sh. Rameswar Dhaiya, Excise and Taxation Officer from the office of DETC (ST) Hisar from Mini Secretariat, Hissar and after that Khemraj son of Mangal Ram resident of Peeranwali came present on the spot and at about 2:30 PM, Constable Rajesh Kumar 679/HNS Police Station Sadar Hisar reached along with Gazetted officer Sh. Rameswar Dhaiya, Excise and Taxation Officer from the office of DETC (ST) Hisar in private vehicle. Rapat no. 41 dated 08.04.2025 of 12:58 PM lodged in Police Station Sadar Hissar was presented before me and copy of the same was kept. I, SI offered my search and search of my team to Gazetted officer Sh. Rameswar Dhaiya, Excise and Taxation Officer from the office of DETC (ST) Hisar. He himself searched me. During search no intoxicant substance or illegal substance was found and memo of search was prepared. Memo was signed by Sanjay and witnesses respectively and Gazetted officer Sh. Rameswar Dhaiya,

Excise and Taxation Officer from the office of DETC (ST) Hisar has attested the memo of search. Constable Rajesh no. 679/Hissar has started videography from his phone. I, SI apprised Gazetted officer with the situation and notice and reply to the notice of section 50 of NDPS act were produced before him.. Gazetted officer Sh. Rameswar Dhaiya, Excise and Taxation Officer from the office of DETC (ST) Hisar has seen the notice and reply to notice under section 50 of NDPS act. After that Sh. Rameswar Dahiya DETC (ST) instructed me SI to carry out search of above Sanjay as per rules in his presence. On this, I, SI carried out the search of above said Sanjay then from the right pocket of the jeans spent worn by him one transparent polythene containing intoxicant substance heroine was found. The same was weighed on the computerized scale along with the polythene then total weight of intoxicant substance heroine comes out as 9.12 g. Planda of cloth was prepared separately. Planda along with sample seal was stamped by me SI from the silver ring and stamped the all with stamp RP/3. After that Gazetted Officer Sh. Rameswar Dahiya DETC (ST) has tested the planda of intoxicant substance heroine along with simple seal with Hisar RD/1 and he kept the stamp with him only after use. Planda of intoxicant substance heroine weighing 9.12 g all stamped with stamp RP/3, RD/1 along with sample seal were taken into police custody through property seizure memo. Property seizure memo was signed by Sanjay and witnesses, respectively. Gazetted Officer Sh. Rameswar Dahiya DETC (ST) has also attested the planda of intoxicant substance heroine along with sample seal and property seizure memo. Stamp after use was handed over to constable Surender 5/688 HAP. On enquiry by me, SI above said Sanjay told regarding the recovered heroine that he has taken this heroine from Jangir Alias Giri son of Sohan resident of Village Peeranvali. Because accused Sanjay has committed an offence under section 21B/61/85 of NDPS act by keeping in possession 9.12 g of heroine along with transparent polythene. Therefore, the information is written and is being sent through Constable Rajesh 679/HNS to Police Station Sadar Hisar. Registered

number of the case be informed after the registration of case. For further investigation of case another investigating officer be sent on the spot. I, SI, along with fellow colleagues and above said accused Sanjay along with case property is present on the spot. At village Peeranwali. SD Rajpal Singh, SI Rajpal Singh 1127/SRS Haryana State Narcotics Control Unit Bureau, Hisar”

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 and recovery of contraband i.e., 9.12 grams of heroin was not effected from his possession, which is non-commercial in nature. He undertakes before this Court on behalf of the petitioner that he is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition, stating that the petitioner is a habitual offender, as he is involved in other cases of similar nature.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the petitioner was nominated only on the basis of disclosure statement of co-accused and recovery of contraband i.e., 9.12 grams of heroin is non-commercial in nature, 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.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

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

29.04.2025

Meenu

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