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2025:PHHC:057285



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

**CRM-M-23688-2025
DECIDED ON: 02.05.2025**

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

Present: Mr. Gursahib Sing Hundal, 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.12, dated 06.03.2025, under Section 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Hathur, District Ludhiana, Punjab.

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

“Chief Officer P.S. Hathur, 'Jai Hind' Today I ASI along with C/Constable Iqbal Singh 780, Constable Navdeep Singh 457, Constable Gurpreet Singh 218, carried out regular patrolling in government vehicle number PB-10GK-4169 which was being driven by C/Constable Hardeep Singh 456 along with private laptop, printer and investigative kit. In connection with checking of suspicious men and suspicious vehicles were going from village Lakha to village

Malla. When the police party reached near Check Link Road Malla Bridge Sua, Lakha a young man was seen standing holding a heavy white transparent envelope in his hand, who threw the white envelope on the ground in a panic on seeing the police party's vehicle and was about to escape. I ASI with the help of fellow employees caught hold of him and asked for his name, who revealed his name as Rampal Singh son of Gurmail Singh resident of Rasulpur. Then I ASI made every possible effort to include private witnesses with the police party for checking the envelope which was thrown away by the said Rampal Singh on the ground, but no one could join the police party. C/ Constable Hardeep Singh No: 456 was instructed to do videography through I-Saksha app. Then I ASI a notice under Section 50 NDPS Act to search the said Rampal Singh was issued separately. A copy of the notice was given to the above said Rampal Singh free of cost and after obtaining written consent from the said Rampal Singh through the personal statement consent of the said Rampal Singh, the envelope colour white thrown on the ground by the above said Rampal Singh was picked up through the said Rampal Singh and thereafter, I ASI opened the white envelope and checked. On checking the white envelope eight leaves of intoxicating tablets marked with Tramadol Hydrochloride Tablets 100 MG Treken 100 Simra Batch No. MFG Date, Exp Date struck off with black marker were recovered and on counting 10 tablets in each leaf Total 80 intoxicating tablets were recovered. I ASI asked the said Rampal Singh to present the license/permit/bill etc. for keeping in his possession the recovered contraband. He could not present any license/permit/bill etc. for keeping in his possession the intoxicant tablets. Then the recovered 8 leaves of the recovered intoxicating tablets marked with Tramadol Hydrochloride Tablets 100 MG Treken 100 Simra Batch No. MFG Date, Exp Date struck off with black marker were recovered and on counting 10 tablets in each leaf Total 80 intoxicating tablets were put back in the same transparent envelope color white and put it in a cloth bag and prepared a parcel and then I ASI sealed with stamp letter PK, prepared sample seal separately, and after using the stamp

handed it over to C/Constable Iqbal Singh 780. Case property, one parcel containing 8 leaves of intoxicating tablets make Tramadol Hydrochloride Tablets 100 MG Treken 100 Batch No., MFG Date, Exp Date erased with black marker, and on counting 10 intoxicating tablets in each leaf total 80 intoxicating tablets sealed with seal PK and sample seal were taken into police custody by preparing recovery memo. The said accused Rampal Singh has committed the crime of 22-61-85 NDPS Act by keeping the intoxicating tablets in his possession, on which Ruqa is being sent by hand through Constable Gurpreet Singh 218 to give it to the police station for registering a case against the said accused Rampal Singh and to prepare a report under section 42 NDPS Act and submit it to the service of the local GO. Information be given on the DCR. Special report be prepared and sent to the District Magistrate Sahib and other Senior officers. I ASI am investigating with the support of fellow employees including the ASI. Today in the area of Sua Lakha Time 08:20 PM Correct sd/- Pardeep Kumar ASI Police Station Hathur Date 06.03.2025."

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 Rampal Singh from whom 80 tablets of *Tramadol Hydrochloride* were recovered. He further submits that the quantity of contraband recovered falls under the category of non-commercial, therefore, the bar under Section 37 of NDPS Act will not be applicable in this case.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jastej Singh, Addl. AG Punjab, 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 another FIR

No.43 dated 12.05.2021 under Section 21 and 25 of NDPS Act registered at Police Station Hathur.

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 was not effected from the possession of the petitioner and except disclosure no incriminating material has been put forth by the prosecution to connect the petitioner with alleged contraband, 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

02.05.2025

Meenu

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