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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24276-2025

DATE OF DECISION: 05.05.2025

CHIRAG

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagar Goyal, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

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

This petition has been filed under Section 482 of BNSS, 2023 praying for the grant of Anticipatory Bail to the Petitioner in F.I.R No.778, Dated 23.11.2024, under section 21(b) of Narcotic Drugs Psychotropic Substances, Act, 1985, registered at Police Station: Sirsa City, District- Sirsa (Annexure P/1).

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

‘Sir, Station house officer, police station city sirsa, jai hind. Today I ASI Chanan Ram No.5/Fatehabad, ASI Jaibeer Singh No.114/Fatehabad with personal laptop printer in government vehicle no. HR05-GV-3618 driver Rajesh Kumar No. 309/ Narnaul, was going from Sirsa city via Rania Chuggi



towards Bhambur for stopping durgs. When we reached the nearby petrol pump Rania, in the light of the vehicle in front, a young boy wearing a black T-shirt and green lower was seen coming towards Rania Chungi from the by-side lane, holding a black colored plastic envelope in his right hand. On seeing the lights of the police vehicle flashing and approaching, the young boy turned back and started walking with fast steps. Suspecting some crime, the ASI immediately stopped the government vehicle and with the help of a fellow officer overpowered the young boy. While overpowering him, the young boy threw the black colored plastic envelope in his right hand towards the right side electric pole installed at the corner of the lane. When the ASI asked the captured boy for turning back and fast walking and the reason for throwing the black colored plastic envelope, he could not give any satisfactory answer. The ASI brought the captured accused near the black plastic envelope and asked his name and address, he told his name as Ricky Kumar son of Ravindra Kumar resident near Sabji Mandi, Ravidas Nagar, Rania Road, Sirsa. At the same time, Jagjit Singh alias Gindu son of Shri Omprakash resident of Rania Road, Mochia Wali Gali, MC Ward No. 24, Sirsa, appeared at the spot, whom the ASI already knew, and whom the ASI asked to become a spot witness, who expressed his desire to be a spot witness, which the ASI told S. Rajesh Kumar was given his mobile phone and was instructed to make a video of the scene. Then the ASI picked up the black coloured plastic envelope, opened it and checked it. Heroin was recovered in a transparent foil inside the black coloured plastic envelope. When the recovered heroin was weighed with a pocket size mobile scale, it was found to contain 6.98 grams of heroin along with the transparent foil. A parcel of the recovered heroin was prepared and a sample seal was prepared. The parcel of heroin was stamped with his seal SS/3. Recovered Heroin parcel along with sample seal was taken into police possession as evidence by seizure Memo. Accused Ricky Kumar signed on the



seizure Memo with his left hand and witnesses also signed it. After using his seal, ASI handed over the sample seal to ASI Chanan Ram No. 5/fatehabad. Accused Ricky Kumar son of Ravindra Kumar resident near Sabji Mandi Ravidas Nagar Rania Road Sirsa had committed the crime by keeping 6.98 grams of Heroin in his possession. I have registered a case under section 21B/61/85 NDPS Act, hence the written complaint for the registered case is being sent to ASI Jaibeer Singh No. 114/Fatehbad at City Police Station city Sirsa. After the registered case number should be informed through the form and for further investigation, another investigator should be sent to the spot and I ASI along with my fellow staff along with the accused along with the goods am present at the spot for investigation of the case. Today at the situated area near Rania Chungi Road Sirsa Sd Sukhdev ASI (ASI Sukhdev Singh No. 33/ Sirsa) Haryana State Narcotics Control Bureau Unit Sirsa Date:-23.11.2024 Mo. 94169-22424 Time 10-00PM Today, arrival at police station with the complaint was received in the hands of ASI Jaibeer Singh No. 114/Fatehbad at the police station. Case No. 778 dated 23.11.2024 under Section 218/61/85 NDPS Act at Police Station City Sirsa has been registered and the copy and original complaint is being sent to the personal investigator by handing over. Copies of the First Information Report will be prepared and sent to the service of Officers. For further investigation of the case, Sub Inspector Ran singh Police Post Incharge Sabji Mandi Sirsa has been informed about reaching the spot of incident at Bajariya through telephone.'

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 as his name surfaced in the disclosure statement of co-accused namely Rikcy



Kumar @ Rikki Kumar from whom the alleged recovery of 6.98 grams of heroin along with weight of plastic wrapped was effected and the same is non-commercial in nature. It is his further submission that the co-accused namely Rikcy Kumar @ Rikki Kumar has already been granted concession of bail by the Trial Court vide order dated 12.12.2024 (Annexure P-3). He further submits that the petitioner is not a habitual offender as he is not involved in any other FIR.

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 since the petitioner is involved in the business of contraband, his custodial interrogation is required to disclose the source from where he brought the same.

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 the name of the petitioner surfaced in the disclosure statement of the co-accused namely Rikcy Kumar @ Rikki Kumar from whom the alleged contraband was recovered that too non-commercial in nature, added with the fact that he has already been granted concession of bail by the Trial Court, his antecedents are clean, 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.

(SANDEEP MOUDGIL)
JUDGE

05.05.2025
anuradha

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