

2025:PHHC:066184



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

**CRM-M-27242-2025
DECIDED ON: 19.05.2025**

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

Present: Mr. Amit Arora, 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. 0037, Dated 23.03.2025, registered under Sections 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (offence under Section 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on) at Police Station Jhabal, District Tarn Taran.

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

“SHO, Police Station Jhabal, Sat Sri Akal, Today, I ASI, along with ASI, Ram Singh, No.1791, Tarn Taran, Constable Manjinder Singh No.1150/Tarn Taran, PHG Gurwinder No.4662 were on patrolling duty on Government vehicle which was being driven by Constable

Nirmal Singh No.26 Tarn Taran in search of anti social elements along with laptop, printer kit, stationary and were going from Police Station Jhabhal to village Mannan, Auma Kalan, Jagatpura etc. and when police party reached at the bridge over the canal at village Jagatpura then one mulla fashion person was seen coming on foot and on seeing the police party he hid himself behind the trees and from the pocket of his trouser took one plastic bag and thrown it in the bushes. I ASI with the help of other officials got him apprehended and inquired him about name and address and he disclosed his name as Dilbag Singh alias Gajji son of Beer Singh, son of Udham Singh, resident of village Kasel, Police Station Sarai Amant Khan, District Tarn Taran. I ASI inquired from Dilbag Singh alias Gajji above said about the contents of the plastic bag thrown by him then he disclosed that it contains his medicine. I ASI inquired strictly from him then he disclosed that it contains heroin. Thereafter, I ASI before conducting checking of the plastic bag tried to join the public witness into the police party from the passerby but everyone disclosed their own constraints and did not got ready to join the police party. Thereafter, in the presence of other officials after getting opened the plastic bag thrown by Dilbag Singh alias Gajji above said and got it checked and as per the disclosure of Dilbag Singh the heroin was got recovered from the same. I ASI after taking out the electronic weighing machine from my investigation bag got the recovered heroin weighed and the total weight turns out to be 09 grams. I ASI kept the recovered 9 grams of heroin in the same plastic bag and thereafter in the plastic box and prepared the parcel and the parcel was got sealed by me with my stamp JS and at the spot prepared the sample stamp JS separately and stamp after used was handed over to ASI Ram Singh No.1797/Tarn Taran. That the recovery memo of heroin was got prepared. That since from accused Dilabg Singh alias Gajji, son of Beer Singh son of Uddham Singh, resident of village Kasel, Police station Sarai Amant Khan, District Tarn Taran it was a chance recovery as such at the spot the Gazetted Officer or Illaqa Magistrate could not be called. That accused Dilabg Singh alias Gajji, son of

Beer Singh son of Uddham Singh, resident of village Kasel, Police station Sarai Amant Khan, District Tarn Taran by keeping 9 grams of heroin in his possession has committed an offence under Section 21-B- 61-85 NDPS Act, thus, after writing the ruqa the same is being sent to the police station for registration of case by hand PHG Gurwinder Singh No.4662. After registering the case, the FIR number be informed. Control room be informed through wireless. After issuing the special reports, the same be sent to the Senior Officials and Illaqa Magistrate. I ASI along with other officials is busy in investigation at the spot. Today within the jurisdiction of bridge over the canal at village Jagatpura within the jurisdiction of Village Jagatpura, at 05:30 PM, Sd/- Jatinder Singh ASI, PS Jhabal, District Tarn Taran, dated 23.03.2025.”

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 Dilbagh Singh @ Gazi from whom the recovery of 9 grams of heroin has been recovered. He further submits that the recovery of contraband is non-commercial in nature. He undertakes 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. Jastej Singh, Addl. AG Punjab accepts notice on behalf of respondent/State. He prays for dismissal of the present petitions stating that the petitioner is a habitual offender, as he is involved in other cases.

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 disclosure statement of co-accused Dilbagh Singh @ Gazi from whom the recovery of alleged contraband was recovered and no incriminating material has been put forth by the State to connect the petitioner with the 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.

19.05.2025

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**(SANDEEP MOUDGIL)
JUDGE**

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