



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103

CRM-M-27864-2025

DATE OF DECISION: 21.05.2025

JASWANT SINGH

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manvinder Sidhu, 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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 with a prayer for grant of Anticipatory Bail to the petitioner in case FIR No.0084 dated 10.05.2025, under Sections 21 (b) of the NDPS Act No. 61 of 1985 registered at Police Station Baragudha, District Sirsa.

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

‘To SHO, Police Station Baragudha. Today I/ASI in uniform along with Constable Surya Prakash No.803/Sirsa, HGH Manjeet Singh No.2076, HGH Balbir Singh No.4674 alongwith personal laptop, printer sitting in Government Vehicle bearing registration No.HR-24GV-1011 being driven by Constable Sushil Kumar No.45/Sirsa were going towards Government School Raghuana from periphery of village Raghuana in connection with patrolling and prevention of crime.



When we went a little ahead of periphery of village Raghuana, we saw a person coming from a street on foot. On seeing the police vehicle coming from the front, the person all of a sudden got frightened and turned back and started walking briskly in the street. ASI, on the basis of suspicion of having some narcotic substance with the person, he was overpowered in the street with the help of police officials and asked his name and address. The person told his name as Balwant Singh alias Dulla, son of Bagha Singh, resident of Raghuana District Sirsa. After order that, ASI asked the person Balwant Singh alias Dulla the reason for turning back nervously and started walking. Balwant Singh alias Dulla could not give any satisfactory answer. ASI on the basis of suspicion of having some narcotic substance with the person named Balwant Singh alias Dulla, ASI apprised of 5-7 passersby about the situation of the spot and asked them to join the investigation. All the passersby expressed inability and went away from the spot. Thereafter, ASI issued a notice to the person Balwant Singh alias Dulla under Section 50 of the NDPS Act that "I, ASI Vinod Kumar No. 300/Sirsa ANC SIRSA, inform you Balwant Singh alias Dulla son of Bagha Singh resident of Raghuana District Sirsa, through notice, that I have suspicion of some narcotic substance in your possession and therefore, it is essential to conduct your search in relation to the narcotic substance. You have full legal right for your search that you can call any Gazetted Officer/nearest Magistrate on the spot for search regarding narcotic substance or you can be produced before him for search of your narcotic substance. Please clarify your situation regarding the search for narcotic substance." At 7 this, person Balwant Singh alias Dulla, after hearing and understanding the notice, got recorded his reply to the notice that "I Balwant Singh alias Dulla son of Bagha Singh resident of Raghuana District Sirsa, have read, heard and understood the notice given by you ASI Vinod Kumar No. 300/Sirsa ANC SIRSA and I want to get myself searched in relation to my narcotic



substance by appearing before a Gazetted Officer. I should be taken before the Gazetted Officer and produced before him and my search should be conducted in relation to the narcotic substance. The person Balwant Singh @ Dulla and the witnesses put their respective signatures upon the notice and reply to the notice. Thereafter, at about 06:36 P.M. ASI from his mobile No.95885-89120 contacted the Gazetted Officer Sh. Rakesh Mehta A.E.T.O. (Sales Tax), SIRSA appointed by the Deputy Commissioner, Sirsa, Shri Rakesh Mehta A.E.T.O. (Sales Tax), SIRSA over his mobile No.70159-51581 and informed him about the situation. The Gazetted Officer, Shri Rakesh Mehta A.E.T.O. (Sales Tax), SIRSA told that right now I am at Commercial (Vanijya) Bhawan, Sirsa; you bring the person Balwant Singh alias Dulla to Commercial (Vanijya) Bhawan, Sirsa for his search in connection with narcotic substances. At around 06:40 PM, ASI along with his employees along with the person Balwant Singh alias Dulla along with Government Vehicle left for Commercial (Vanijya) Bhawan and reached the Government Commercial (Vanijya) Building, Sirsa in a vehicle where Gazetted Officer Shri Rakesh Mehta, A.E.T.O. (Sales Tax), SIRSA was present. ASI informed him about the situation and produced the person Balwant Singh alias Dulla before the Gazetted Officer Shri Rakesh Mehta, A.E.T.O. (Sales Tax), SIRSA, who introduced himself to the person Balwant Singh alias Dulla and questioned him and after reading the notice and reply to the notice, signed the notice and reply to the notice. Thereafter, Gazetted Officer Shri Rakesh Mehta, A.E.T.O. (Sales Tax), SIRSA directed ASI to conduct the search of person Balwant Singh alias Dulla in his presence. ASI in presence of Gazetted Officer Sh. Rakesh Mehta A.E.T.O. (Sale Tax), Sirsa, carried out the search of the above said person Balwant Singh alias Dulla as per rules and a transparent polythene foil was recovered from the left pocket of Lower of blue color worn by the above said and checked, heroin was found in the transparent



polythene foil. When the recovered heroin was weighed on a computerized weighing scale, the total weight of heroin along with the transparent polythene foil was found to be 7 gram 32 milligram. After preparing a cloth parcel of the recovered heroin in transparent polythene foil, ASI sealed it with his seal bearing impression VK/3 and a separate sample seal was prepared and the parcel of heroin along with sample seal was produced before Gazetted Officer Shri Rakesh Mehta, A.E.T.O. (Sales Tax), SIRSA, and Gazetted Officer Shri Rakesh Mehta, A.E.T.O. (Sales Tax), SIRSA sealed the parcel of heroin and the sample seal with seal bearing impression GO/1 and attested the parcel of Heroin and sample seal. Thereafter, ASI took into possession the sealed parcel of Heroin weighing 7 grams 32 milligram along with sample seal through seizure recovery memo, which was signed by the accused Balwant Singh alias Dulla and the witnesses. Gazetted Officer attested the seizure recovery memo and Gazetted Officer kept his seal with him after use and I/ASI after use his seal, the sample seal was handed over to Constable Sushil Kumar No.45/Sirsa. The videography of heroin recovered on the spot, search and seizure memo proceedings was got done by ASI from his personal mobile on E-Sakshya app through HGH Balbir Singh no. 4674. Thereafter, on interrogation by ASI, Balwant Singh alias Dulla told that he has brought the recovered heroin from his brother Jaswant Singh alias Nikka son of Bagha Singh resident of Raghuana for selling it. Since accused Balwant Singh alias Dulla son of Bagha Singh resident of Raghuana District Sirsa by keeping in his possession total 7 grams 32 milligram of Heroin and Jaswant Singh alias Nikka son of Bagha Singh resident of Raghuana by selling the same have committed the crime under section 21b/61/85 NDPS Act, upon which, rukka is sent to police station through Constable Surya Prakash No.803/Sirsa for registration of case. After registration of case, number of FIR be informed and for further investigation other Investigating Officer be sent to the spot.



I/ASI along with police officials along with the accused and the case property left for the spot of incident, village Raghuana. Today, Commercial (Vanijya) Bhawan Sirsa Sd/- Vinod Kumar ASI.'

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. He submits that the present FIR was registered against co-accused Balwant Singh @ Dulla from whom alleged recovery of 7 grams and 32 mg was made and petitioner was roped in the present case on his disclosure statement. It is further submission that nothing has been recovered from the present petitioner.

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 the petitioner as well as the co-accused are real brothers and there is no occasion to believe that his name has been wrongly stated by his real brother.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect



that the recovery i.e. 7 grams and 32 mg Heroin is non-commercial in nature and the same has been recovered from co-accused and not from the petitioner, moreover, he was implicated in the present FIR on the basis of the disclosure statement of co-accused who is his real brother and for that reason only he cannot be denied the concession of anticipatory bail. Hence, keeping in view the above facts, 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

21.05.2025
anuradha

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