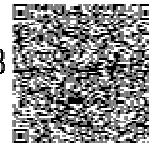


2025:PHHC:075368



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

204

CRM-M-28549-2025 (O&M)

Date of decision: 02.06.2025

Gurnam Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

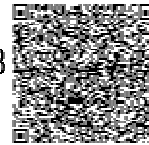
Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking anticipatory bail in case bearing FIR No. 47 dated 24.04.2025, registered under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mamdot, District Ferozepur.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered against one Sonu on the basis of a secret information that he was habitual in sale/purchase of heroin and had concealed heroin under bricks and debris lying outside his house. Acting on the said information, a raid was conducted at the informed place and recovery of 42 grams of heroin was effected. During the course of investigation, it was found that above named Sonu and the present petitioner are one and the same person. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Judge,

2025:PHHC:075368



Special Court, Ferozepur but the same had been dismissed, vide order dated 14.05.2025.

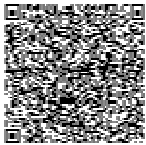
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has neither been named in the FIR nor in the secret information. The police has mistakenly concluded that the petitioner and aforesaid co-accused Sonu son of Pala Singh are one and the same person, whereas the name of the father of the petitioner is Baggu Singh. Even otherwise, the quantity of the alleged contraband does not fall under commercial quantity. The petitioner is not involved in any other criminal case. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has opposed the prayer made by the petitioner by submitting that during investigation, it has been found that Sonu and the present petitioner are one and the same person. Recovery of 42 grams of heroin has been effected from the eastern side gate of the house of the petitioner. Custodial interrogation of the petitioner is required for conducting proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is sought to be arrested in this case on the ground that the person named in the secret information i.e. Sonu and the present petitioner are one and the same person. However, the petitioner has taken a

2025:PHHC:075368



specific plea that he is altogether a different person as the name of his father is Baggu Singh, whereas the name of alleged Sonu is Pala Singh. The question of mistaken identity or the fact that both are the same person can only be decided after appreciating the evidence led by both the sides during trial. Even otherwise, the quantity of the recovered contraband does not fall under commercial quantity. The petitioner has clean antecedents and is not involved in any other criminal case. In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on anticipatory bail subject to furnishing personal/surety bonds to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

02.06.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No