

2025:PHHC:069057



108

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

**CRM-M-28489-2025
DECIDED ON: 22.05.2025**

VIJAY CHAND**.....PETITIONER**

VERSUS

STATE OF PUNJAB**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Satnam Singh Thakur, 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.53, dated 27.04.2025, under Section 21 (later on added Section 29) of NDPS Act, 1985, registered at Police Station City Cantt, Jalandhar, District Jalandhar.

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

“To the SHO Police Commissionerate Jalandhar "Jai Hind" today I alongwith ASI Jasjit Singh 2785, CT Rajinderpal Singh 2994, CT Sukhdev Singh 3176, in government vehicle number PB08-DG-5921 brand Ertiga with driver CT Harpreet Singh 1810 along with laptop, printer and investigation kit were patrolling for the Search for suspicious persons, when in this regard we were going from Jalandhar Cantt to Mohalla Deep Nagar Jalandhar Cantt, when the police party reached Dussehra Ground, Jalandhar, two short hair men were coming from Mohalla Deep Nagar Jalandhar Cantt and they were talking to each other. Seeing the coming police party, they

suddenly started to turn back. With the help of fellow ASI personnel, the suspect was arrested and asked for his name, out of which the person who threw the polythene bag gave his name as Vinod Sharma son of Pawan Sharma resident of Mohalla Mehli Gate Nigaha Mohalla Phagwara District Kapurthala and the person accompanying him reveal his name as Harish Kumar son of Meet Ram resident of Mohalla Mohali Gate Niha Mohalla Phagwara District Kapurthala. After searching the transparent polythene thrown by Vinod Sharma. We tried to join the private witnesses but everyone expressed their compulsion and could not join. In the presence of his fellow employees, the ASI told above Vinod Sharma to hand over the transparent polythene and checked the envelope, in which Heroin was found. After weighing, it was 10 grams of heroin, which was placed in a separate plastic box along with 10 grams of heroin, and after preparing the goods parcel, the ASI sealed it with its letter stamp GS and prepared the sample stamp paper separately. After the stamp, it was handed over to ASI Jasjit Singh 2785. Videography/Photography of Bramadgi made in E-Sakshya app. Revenue case Parcel heroin weighing 10 grams was seized by the police as part of the crime but the witness testified that Vinod Sharma and Harish Kumar above were in possession of 10 grams of heroin, offence under Section 21-61-85 NDPS ACT is committed. Thereafter, after sealing the parcel, the same was sent to the police station through CT Harpreet Singh 1810 to register the case by writing Rukka Haja. After registering the FIR the number of the same may kindly be intimated. Control Room and Senior Officials may also be notified. I ASI along with my colleagues were present on the spot. Today Out: Near Dussehra Ground Jalandhar Cantt AT:-08:15 PM. SD/- Gurmeet Singh ASI Special Cell, Commissionerate Jalandhar Dated 27.04.2025 XXXX.”

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 Sahil, whose name was also came forth in the disclosure statement of another co-accused. He further submits that alleged contraband i.e., 10 grams of heroin was not effected from his conscious possession, which falls under non-commercial quantity. 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 petition, stating that the petitioner was named in the disclosure statement of co-accused Sahil. Though he candidly admits that recovery of contraband was not effected from the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that admittedly the recovery of contraband i.e., 10 grams of heroin, which is non-commercial in nature, was not effected from the conscious possession of the petitioner and except disclosure no incriminating material has been put forth by the State to connect the petitioner with the alleged contraband added with the fact that petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, 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.

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

22.05.2025

Meenu

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