

2025.PHHC:076457



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

**CRM-M-32878-2025
DECIDED ON: 20.06.2025**

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

Present: Mr. K.S. Brar 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 F.I.R. No.33 Dated 30.03.2025 U/s 21-B/ 29/61/85 of NDPS and Section 29 of NDPS (Added Later On), registered at Police Station Jaitu, District Faridkot (Annexure P-1).

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

“SHO PS Jaito, Jaihind! Today, I ASI alongwith ASI Bhupinder Singh 771/FDK, C Balkaran Singh 1002/FDK, C Rohit Sharma 360/FDK (Computer Operator) alongwith laptop and printer were travelling in the Government vehicle no.TS-15-TR-0727 which was driven by PHG Jarnail Singh 32512 in connection with checking of the suspicious elements and were going from Bathinda road to bridge of the minor Jaito Bathinda road and after turning on left side when the police

party was going to village Dabrikhana and the police party reached ahead of the bridge then at about 2.50 p.m. one cutsurd boy was standing in the vacant plot on the left side of the road beneath the tree and he was searching something which he was holding in the hand, who on seeing the police party became nervous and after tying the polythene started moving towards the road and I on the basis of the suspicion apprehended him and enquired him his name and address, who disclosed his name as Lakhwinder Singh @Lakha son of Ajaib Singh son of Santa Singh, resident of Bathinda road, street no.3, Bajakhana, District Faridkot. Then I ASI apprised him of myself and my fellow officials and told him that my name is ASI Angrej Singh 442/FDK and I am posted at CIA Staff Jaito and I have suspicion that the transparent polythene which you are holding in your right hand, there is some intoxicant, but you have legal right that you can get your search conducted and the search of the transparent polythene which you are holding in your right hand from some Magistrate or Gazetted Officer who can be called at the spot or you can be taken to them. That the accused Lakhwinder Singh @ Lakha thinking for sometime told that you have come to know that there is Chitta (heroin) in the polythene which I am holding due to which I do not want to get the search of transparent polythene from any Magistrate Sahib or Gazetted Officer. I have full faith on you. That you can search me and the polythene which I am holding in my right hand on which I have been served noticed under Section 50 of the NDPS Act after getting it typed and printed. That the accused Lakhwinder Singh @ Lakha signed in English and ASI Bhupinder Singh 771/FDK and C Balkaran Singh 1002/FDK signed as witnesses. Then I ASI tried to include independent witness, but everyone showed their inability and moved from the place due to which no independent witness was included in the police party. Then I ASI told accused Lakhwinder Singh @ Lakha to hand over a transparent polythene and presence of the police party who handed over the transparent polythene to me and I after opening the knot of the transparent polythene opened the transparent polythene from which heroin was recovered. Then I ASI

took out the computerized weighing scale from my investigation kit and weighed it with the computerized scale which came to be 10 gm 68 miligram alongwith transparent polythene. That the recovered heroin alongwith the transparent polythene was packed in the plastic box after tying it and packing it in the cloth, parcel was prepared which was stamped by me with my stamp 'AS' and sample of the stamp was prepared separately and stamp after its use was handed over to ASI Bhupinder Singh 771/FDK. That the recovered heroin being 10 gm 60 miligram alongwith the transparent polythene and sample of the stamp was taken into the possession of the police and C Balkaran Singh 1002/FDK and ASI Bhupinder Singh 771/FDK signed as witnesses, that videography was done on E-saksha App according to the Section 105 of BNSS. Then I ASI requested the accused Lakhwinder Singh @ Lakha that if he has some valuable or cash and he can deposit the same then the accused Lakhwinder Singh @ Lakha deposited one note of Rs.50/- total Rs.50/- before me and apart from this no valuable, ornament, document or mobile etc. That the fard jamatalashi was prepared on which accused Lakhwinder Singh @ Lakha signed in English and ASI Bhupinder Singh 771/FDK and C Balkaran Singh 1002/FDK signed as witnesses. That the accused Lakhwinder Singh @ Lakha by keeping in his possession 10 gm 68 miligram of heroin have committed offence under Section 21-B/61/85 of the NDPS Act. So ruqa is sent for registration of case against Lakhwinder Singh @ Lakha son of Ajaib Singh son of Santa Singh, resident of Street No.3, Bajakhana, District Faridkot after getting it typed through PHG Jarnail Singh 32512 to the Police Station Jaito. FIR be registered and FIR number intimated. Original ruqa and copy of the FIR be sent to me. Special reports be issued. PCR and officers be intimated through W/M. I ASI alongwith fellow officials is busy in investigation at the spot. Signed Angrej Singh ASI, CIA Staff, Jaito, dated 30.03.2025 near bridge of the minor Dabrikhane Bye-pass link road at 4.15 p.m.”

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 Lakwhinder Singh @ Lakha from whom the recovery of contraband i.e., 10.68 grams of heroin has been effected, which 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. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner was nominated by his co-accused Lakwhinder Singh, who in his disclosure statement stated that the petitioner had sold the contraband to him.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that the contraband in the present case i.e., 10.68 grams of heroin is non-commercial in nature and except disclosure statement 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.

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

20.06.2025

Meenu

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