



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

106

CRM-M-35628-2025

DATE OF DECISION: 09.07.2025

KAMALJIT

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S.Saron, Advocate and
Mr. M.B. Rajwada, Advocate for the petitioner(s).

Mr. Jastej Singh, Addl. A.G, Punjab.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for brevity) humbly praying that this Hon'ble Court may be pleased to direct/order the release of the Petitioner on bail in the event of arrest in case FIR No. 65 dated 21.06.2025 (Annexure P-1) registered at Police Station Aur, District Shaheed Bhagat Singh Nagar, Punjab for offences punishable under Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

2. 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



co-accused namely Ajay Kumar was apprehended by the Police Officials during a routine patrol and the police officials recovered decayed silver foil and a lighter and on his disclosure statement, the name of the petitioner was arrayed as an accused as supplier, in the present FIR. Further, he produced a copy of order dated 30.06.2025 passed by ACJM, SBS Nagar (Duty) which reads as under :-

‘Dope test Report of accused Ajay Kumar has been received, vide which, nothing has been tested positive. Be placed on record.

As per the report of Ahlmad, report from concerned Doctor, De-addiction Center Nawanshahr has not been recieved. Let, notice to concerned 10 be issued for 09.07.2025 for submitting the report of Doctor, De-addiction Center, Nawanshahr as well as to produce accused before this Court.’

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 on seeing the police party, polythene bag was thrown and when it was picked by the police official decayed silver foil and a lighter was recovered from it. Further, he submits that He has argued that the antecedents of the petitioner are also not clean as he is involved many other FIRs.

3. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties that nothing



has been recovered from the present petitioner, he was named on the basis of the disclosure statement of co-accused and except that no incriminating material has been produced by the State Counsel and as per Dope test report nothing was found positive, hence, 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.

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 land the petitioner in a situation of denial of the concession of bail.

4. **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

09.07.2025
anuradha

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