

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-38353-2025

Date of decision: 21.07.2025

SHAVAN KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Jastej Singh, Addl. AG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

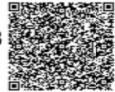
1. Prayer

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.74 dated 25.04.2025 under Sections 21(b), 27-A of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station B Division, Amritsar.

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 on 25.04.2025, one Gulshan was apprehended being in conscious possession of 45 grams of Heroin with drug money of Rs.1500/-. Learned counsel further submits that Gulshan had taken loan of Rs.25,000/- from the petitioner and he has been asking for that amount from him, out of grudge, he nominated the name of the petitioner in the instant FIR. It is also contended that no recovery has been effected from the 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

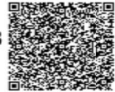
Mr. Jastej Singh, Addl. AG, Punjab appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner has actively participated in incident in question as Gulshan has disclosed that he used to procure heroin from the petitioner and he is involved in two more cases of similar nature.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties it is found that no recovery has been effected from the petitioner and the name of the petitioner was nominated in the instant FIR on the basis of disclosure statement of co-accused, namely, Gulshan and State has failed to make out the case against the petitioner as to why his custodial interrogation is required. 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.

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

21.07.2025

Nisha Yadav

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No