



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

CRM-M-44321-2024

Date of decision: 09.01.2025

HARPREET SINGH

....PETITIONER

Versus

STATE OF PUNJAB

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
201	27.11.2023	21 (C) of NDPS Act, 1985 and Section 29 of NDPS Act, 1985 added later on vide DDR No.27 dated 30.11.2023.	Kotwali, District Bathinda.

2. Learned counsel for the petitioner submits that in compliance to the order dated 30.09.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 30.09.2024.

3. Learned State counsel, on instructions from ASI Gurdial Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

4. During the course of hearing on 30.09.2024 , following order was passed:

“Learned counsel for the petitioner inter alia submits that as per version of prosecution, the petitioner was nominated in the



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present FIR on the basis of disclosure statement of co-accused Manjeet Singh @ Babbu that he purchased the recovered contraband from two co-accused, namely, Ravinder Singh son of Prem Singh and Sukh son of Resham Singh and vide DDR No.27, dated 30.11.2023, they were nominated in the present FIR. It is further submitted that the name of petitioner is Harpreet Singh whereas co-accused Manjeet Singh @ Babbu has disclosed the name as Sukh. It is a case of mistaken identity. Petitioner is not involved in any other case.

On the basis of status report so filed today, learned State counsel submits that the petitioner called from his mobile No.80541 62131, co-accused Manjeet Singh @ Babbu and instructed him to deliver the heroin to a particular person. Petitioner had made many calls from said mobile number with the co-accused. However, during the course of investigation, it came out that said mobile number belonged to Boota Singh, friend of petitioner. Learned State counsel further submits that Sukh and Harpreet Singh are one and the same person. 'Sukh' is the nick-name of the petitioner. Custodial interrogation of the petitioner is required. However, learned State counsel fairly submits that no other case is pending against the petitioner.

Heard.

Co-accused Manjeet Singh @ Babbu made disclosure statement on 30.11.2023 and named person as Sukh son of Resham Singh. On 22.08.2024, statement of Boota Singh was recorded who stated that mobile number 80541 62131 was obtained by the petitioner from him and the same was being used by him.

Keeping in view the fact that the petitioner was not specifically named in the FIR, the identity of person who was named by Manjeet Singh @ Babbu, co-accused, is doubtful and the mobile number which has been used in the offence belongs to Boota Singh, and not to the petitioner, so he is directed to join

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investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the conditions as envisaged under Section 482 (2) of BNSS.

Adjourned to 09.01.2025.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 30.09.2024 passed by this Court, interim bail granted vide order dated 30.09.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

09.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |