

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

Sr. No.: 206

Criminal Miscellaneous No.M-52611 of 2024**Date of Decision: March 21, 2025**Jagsir Singh

..... PETITIONER(S)

*VERSUS*State of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Naveen Singh, Advocate, for the petitioner.Mr. Jaspal Singh Guru, Assistant Advocate General,
Punjab.**SANDEEP MOUDGIL, J (Oral)****1. Prayer**

The instant second petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.176 dated 26.07.2022 under Sections 15 and 25 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Sidhwan Bet, District Ludhiana.

2. Affidavit duly sworn by Mr. Ankur Gupta, IPS, Senior Superintendent of Police, Ludhiana (Rural), dated 20.03.2025, filed on behalf of the respondent-State, is taken on record.

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

“SHO, Police Station Sidhwan Bet, Jai Hind. Today I SI alongwith ASI Balwinder Singh No.117, C/Constable Ranjit Singh No.602, Constable Tajinder Singh No.216 and Constable Brinderjit Singh No.966 on Government Vehicle Bolero bearing No.PB 10 GK 4168, which was being driven by HC Geetinderpal Singh 630 alongwith private laptop printer were present at main chowk Safipura for patrolling and in



search of the suspected persons then time would be 7:15 PM that special secret informer came and gave the information to me that Bilal Ahmed Bhatt and Azaz Ahmed Bhatt sons of Abdul Azaz Bhatt residents of Harduwal, Police Station Khan Sahib, District Badgam, State Jammu and Kashmir used to sell the poppy husk in heavy quantity by bringing in trucks from Jammu and Kashmir. Today also Ahmed Bhatt and Azaz Ahmet Bhatt above said, the truck having six tyres JK13 A 9552 which is being driven by Bilal Ahmed Bhatt and six tyres truck JK 22 0355 which is being driven by Azaz Ahmed Bhatt are bringing the poppy husk in heavy quantity from the Nakodar side, who by coming from the side of Mehatpur-Khursaidpura will supply the poppy husk in the area of Sidhwan Bet and Jagraon, if Nakabandi would be laid bridge canal of Sidhwan Bet then the both can be apprehended with trucks containing heavy quantity of poppy husk, the information is solid and reliable so, Bilal Ahmed Bhatt and Azaz Ahmed Bhatt sons of Abdul Azaz Bhatt residents of Harduwal, Police Station Khan Sahib, District Badgam, State Jammu Kashmir have committed the offences under Section 15, 25, 61, 85 of NDPS Act. So after wring the information for registration of FIR against Bilal Ahmed Bhatt and Azaz Ahmed Bhatt sons of Abdul Azaz Bhatt residents of Harduwal, Police Station Khan Sahib, District Badgam, State Jammu Kashmir under the above said sections is sent tp police station by hand through constable Brinderjit Singh no. 966 and report under section 42 of NDPS Act after its preparation has been sent to the area office Jagraon. After registration of the FIR and after appointing the investigating officer, same may be sent on the spot, number of FIR may be informed, special reports may be sent, information may be sent to DCR. Today main chowk Village Saffipur at 8 PM.”

4. Contention

On behalf of the petitioners

Learned counsel for the petitioner submitted that the present is a second anticipatory bail petition filed by the petitioner. He would further submit that when the petitioner earlier filed for anticipatory bail before this Court, the same was dismissed as withdrawn on 15.11.2022 but the factual position at that point of time was that the petitioner was not even nominated in the present FIR as evident from the report dated 31.01.2023 (Annexure P-4) filed before Court of ASJ, Ludhiana. He submitted that it was only after the withdrawal of the earlier anticipatory bail petition that the name of the petitioner was nominated later on as during investigation it was revealed that



the petitioner was allegedly using a sim card bearing No.95171-12686 of the other co-accused, namely, Ajitpal Singh @ Shani who is his neighbour. He further submitted that as per the allegations contained in the FIR, the police received an information with regard to two persons, who are named in the FIR that they are responsible for bringing Poppy Husk from Jammu and Kashmir and on their disclosure statement, the aforesaid co-accused, namely, Ajitpal Singh @ Shani was nominated but thereafter during investigation, the aforesaid Ajitpal Singh @ Shani was declared to be innocent and instead of him, the present petitioner was nominated in the FIR due to extraneous reasons. He further submitted that even otherwise the petitioner was not nominated on the basis of disclosure statement of the co-accused Ajitpal Singh but on the basis of the investigation wherein the police wrongly nominated the petitioner in the present FIR on the ground that the phone number as mentioned above and the sim card of the aforesaid Ajitpal Singh @ Shani was being used by the petitioner as alleged by him. He also submitted that the petitioner has clean antecedents and is not involved in any other case nor any recovery has been effected from him. The recovery 90 kgs. of Poppy Husk has been effected from the co-accused, namely Azaz Ahmed Bhatt and Bilal Ahmed Bhatt, who were named in the FIR and apprehended by the police.

On behalf of the State

Learned State counsel seeks dismissal of the instant petition on the ground that the allegations against the petitioner are serious in nature inasmuch as recovery has been effected to the tune of 90Kgs of *Poppy Husk* has been recovered in the present case.

5. Analysis

Be that as it may, having given a considerable thought to the submissions made herein above especially to the fact that petitioner was not even nominated on the basis of disclosure statement of the co-accused. He was nominated only on the basis of investigation to the effect that phone number (95171-12686) and the sim card of co-accused Ajitpal Singh @ Shani was being used by the petitioner. Also considering that the petitioner is not involved in any other case meaning thereby that he is a person of clean antecedents. Thus, I am of the considered view that there is no valid or cogent



reason to deny the concession of anticipatory bail to the present petitioner.

6. **Relief**

Hence, the petitioner is directed to be released on anticipatory bail subject to him 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 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

March 21, 2025

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Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No