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

CRM-M-53989-2024**Date of Decision: 12.03.2025**

Gurmeet Singh alias Meeta

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

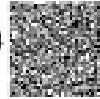
N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant anticipatory bail to him in case FIR No.61 dated 31.01.2024, registered under Sections 21(b) of NDPS Act, 1985, at Police Station City Sirsa, District Sirsa.

2. While issuing notice of motion on 29.10.2024, the following order was passed by a Co-ordinate Bench of this Court:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No. 61, dated 31.01.2024, Police Station Sirsa, District Sirsa, under Section 21(b) of NDPS Act.

As per the case of prosecution one Rajbir Singh @ Raju was arrested by the police on 31.1.2024 whose search led to recovery of 100 grams of ‘Heroin’. It is further the case of prosecution that on the same day itself he disclosed to the police that he had sold 20 grams of ‘Heroin’ to the petitioner and consequently the petitioner came to be nominated.



Learned counsel for the petitioner submits that he has falsely been nominated in the present case on the allegation that Rajbir had passed on 20 grams of 'Heroin' to him which in any case would fall within the category of non-commercial quantity.

It has further been submitted that on the same very day the petitioner was involved in a case registered at another police station in respect of which a separate FIR i.e. FIR No.36, dated 31.01.2024, Police Station Sadar, Sirsa, under Section 21-B of NDPS Act, was lodged wherein the allegations are that the petitioner had been caught red-handed while in possession of 20 grams of 'Heroin'. It has been submitted that the petitioner has already been released on regular bail in the said other FIR i.e. FIR No.36 dated 31.01.2024. Learned counsel thus submits that the proceedings against the petitioner in the present FIR on the basis of disclosure statement would virtually amount to a case of double jeopardy as it is the same very 20 grams of 'Heroin' for which he has been proceeded against in two different police stations.

Notice of motion for 12.03.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

3. Learned counsel for the petitioner submits that in compliance of the order dated 29.10.2024, passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.



4. Learned State counsel, on instructions from ASI Mohan Lal, has submitted that the petitioner has joined the investigation and is no longer required for further investigation.

5. In view of the statement made by learned counsel for the parties, the present petition is allowed and the interim order dated 29.10.2024, passed by a co-ordinate Bench of this Court is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 482(2) of the BNSS.

12.03.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No