



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

206

CRM-M-59995-2024**Date of decision: April 01, 2025**

KAMALDEEP @ TEETU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Achin Gupta, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 482 of BNSS, 2023 seeking grant of anticipatory bail in case FIR No.327 dated 26.08.2024 under Sections 21/61/85 of the NDPS Act, 1985 and Section 42 of Prisons Act, 1894, registered at Police Station City Faridkot, District Faridkot.

2. After issuing notice of motion on 02.12.2024, the petitioner had been granted interim bail by a Coordinate Bench of this Court, with direction to join investigation and the relevant part of the order dated 02.12.2024 reads as under:-

“Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case while he was already in custody of the police since 22.8.2024 in connection with FIR No.178, dated 20.8.2024. Learned counsel submitted that the petitioner had infact been falsely implicated by the police in order to pressurize him not to pursue his complaint with regard to the beatings given to the petitioner while in custody. Learned counsel for the petitioner has referred to some of the medical record and the comments recorded therein, the gist of which is reproduced hereinunder chronologically:



Sr. No.	Date	Description	Remarks/Comments
1.	23.8.2024	OPD slip prepared at Baba Dyal Singh Civil Hospital, Kotkapura. (Page No.14 of the paper book)	Patient referred to Guru Gobind Singh Medical College Hospital, Faridkot (Punjab) for surgical medical consultation
2.	23.8.2024 at 01:07:48 AM	OPD slip prepared at Guru Gobind Singh Medical College Hospital, Faridkot (Punjab). (Page No.12 of the paper book)	Patient is in custody of Kotkapura Police. Informant : ASI Gurmail Singh. Alleged history of "self inflicted head injury".
3.	23.8.2024 at 01.30 AM	History of the patient as recorded at the time of admission in Guru Gobind Singh Medical College Hospital, Faridkot (Punjab). (Page No.15 of the paper book)	As per history narrated by patient, patient was assaulted by police person in custody. Site of incident - Police Station Kotkapura on 22.8.2024 at 11:00 PM.
4.	24.8.2024 at 01.30 PM	Date of discharge (Page No.15 of the paper book)	Diagnose : Alleged history of assault

Learned counsel for the petitioner, while referring to the aforesaid medial record, submitted that ASI Gurmail Singh at the time of taking the petitioner to Guru Gobind Singh Medical College Hospital, Faridkot (Punjab) apparently himself got the history recorded in the first instance as 'self inflicted head injury' (at page No.12 of the paper book), whereas when the history was asked for from the petitioner, he clearly got it recorded to the doctor that as a matter of fact he had been assaulted by the police in custody. It has been submitted that it is thus apparent that the police was trying to cover up its misdeeds in having giving beatings to the petitioner while in custody and, in order to pressurize him, have now planted the alleged contraband on him while he was in custody of the police.

Learned counsel for the petitioner submitted that the guilt of the police would be clearly evident from the fact that they did not chose to arrest the petitioner despite the allegation that the

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petitioner was caught red handed in possession of the contraband, whereas in such like cases the police would never let off any accused if he is found in possession of even the smallest quantity of contraband i.e. even if “small quantity” is recovered. Learned counsel for the petitioner, in this regard, has referred to order dated 1.10.2024 (Annexure P-3) passed by learned Judge, Special Court, Faridkot.”

3. Learned counsel for the petitioner reiterates that the petitioner has been falsely implicated in the present case. He submits that in compliance of order dated 02.12.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel has filed reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Faridkot, District Faridkot, on behalf of the respondent-State in the Court today, which is taken on record subject to just exceptions. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation, much less for their custodial interrogation.

5. In view of the above, the petition is allowed, and interim order dated 02.12.2024 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

April 01, 2025*Jaspreet Kaur***(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*