



CRM-M-62764-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-62764-2024(O&M)
Decided on : 30.01.2025

Simeranjeet Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kuldip Singh, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, is for grant of anticipatory bail to the petitioner,
who has been booked for having committed the offences punishable under
Section 21 of NDPS Act (Section 29 of NDPS Act was added lateron), in a
case arising out of FIR No. 78, dated 17.09.2024, registered at Police Station
Lakho Ke Behram, District Ferozepur.

2. On 09.01.2025, following order was passed by the co-ordinate
bench of this Court:

*“ Pursuant to the notice of motion order dated 13.12.2024,
Mr.Adhiraj Singh, AAG, Punjab has filed a short reply by way of affidavit
of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division
Guruharsahai, District Ferozepur in the Court today. The same be taken on
record. A copy thereof has been supplied to learned counsel for the
petitioner.*

*Apprehending his arrest in FIR No. 78 dated 17.09.2024 registered
for offences punishable under Section 21 of NDPS Act (Section 29 of NDPS*



Act added later on) at Police Station Lakho Ke Behram, District Ferozepur; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter-alia contends that the petitioner is sought to be implicated into the FIR in question solely on the basis of a disclosure statement made by a co-accused from whom the contraband in question (502 gms of heroin) has been recovered & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Vijay Singh versus The State of Haryana' bearing Special Leave to Appeal (Crl.) No(s).1266/2023', 'State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr' 2022(1) RCR (Criminal) 762, 'Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592 and 'Smt. Najmunisha, Abdul Hamid Chandmiya Ladoo Bapu vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 290.

Adjourned to 30.01.2025.

The petitioner is directed to appear before the Investigating Officer on 14.01.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.”

3. Learned counsel for the petitioner submits that in compliance to the order of this Court, the petitioner has joined investigation and has fully co-operated. Counsel further submits that petitioner has been falsely implicated in the present case and there is no history of involvement of the petitioner in any such activity. Even, the disclosure statement of main accused-Lovejeet Singh, upon which prosecution is relying, was recorded three days after his arrest. Counsel also submits that petitioner is ready to join investigation , if at all required in future.

4. On the other hand, learned State Counsel submits that though the Investigation has been joined by the petitioner under the directions of this Court, but he has not fully co-operated and his custodial interrogation is required.

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5. Objection addressed by the State counsel is not of much weight because the prosecution would be required to prove the guilt against the petitioner during course of trial by leading substantial evidence.

Thus, custodial interrogation of the petitioner is not going to serve any purpose, especially in the absence of any prior history of the involvement of the petitioner and also the fact that the petitioner has already joined the investigation, this Court deems it appropriate to allow the present petition. Accordingly, the ad-interim order dated 09.01.2025, is hereby made absolute

6. However, the petitioner shall continue to join the investigation as and when required to do so and shall abide by all the conditions laid down under Section 482(2) of BNSS.

7. It would be open for the complainant or the State of Punjab/prosecution to move an appropriate application seeking cancellation of bail in the present case with the material supporting thereon, if the concession is misused in any manner by the petitioner.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 30, 2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No