



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

205

**CRM-M No.64791 of 2024
Date of decision: 04.03.2025**

RUPA SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ashok Giri, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No. 77 dated 05.05.2021, registered under Sections 18(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Shahkot, District Jalandhar (Rural).

2. Vide order dated 20.12.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 20.12.2024, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 77 dated 05.05.2021, registered under Sections 18(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985



(for short 'NDPS Act') at Police Station Shahkot, District Jalandhar (Rural).

Brief facts of the case are that on 05.05.2021, co-accused Arshdeep Singh @ Arsh was apprehended by a police party headed by ASI Lakhbir Singh and recovery of 01 kg. of opium was effected from him. He was formally arrested at the spot. During the course of investigation, disclosure statement of aforesaid co-accused was recorded, wherein he disclosed that recovered contraband was delivered to him by one Sukha Singh, who is brother of the present petitioner. On the basis of this disclosure statement, the petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court Jalandhar but the same had been dismissed, vide order dated 23.09.2024. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is not involved in any other case under the NDPS Act. He is ready to join the investigation. No recovery is to be effected from him. No useful



purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and seeks some time to file the status report.

List again on 11.02.2025.

Considering the fact that the quantity of the alleged contraband recovered in this case is small, the petitioner has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused and he is not involved in any other case under the NDPS Act, he is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.”

3. In compliance of aforesaid order, the petitioner had not joined the investigation. Thereafter, vide order dated 11.02.2025, the petitioner was again directed to join the investigation.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 15.02.2025 and he is not required for custodial interrogation.



5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 20.12.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

04.03.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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