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

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CRM-M-57947-2024 (O&M)
Date of decision: 07.03.2025

Sandeep Khurana @ Sandeep Kumar @ Monu **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Randeep Singh Waraich (Rana), Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 222 dated 21.10.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Jagraon, District Ludhiana.

2. Vide order dated 21.11.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 21.11.2024, passed by this Court, reads as under:

“...Brief facts of the case are that on 21.10.2024, a police party headed by SI Angrej Singh was on patrolling duty and they apprehended co-accused Gulshan Singh @ Gosha and Veer Pal Kaur on the basis of suspicion. On conducting their search, 65 grams of heroin was recovered from Gulshan Singh @ Gosha, whereas drug money of

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Rs.30,500/- was recovered from Veer Pal Kaur. Both of them were formally arrested at the stop. During the course of investigation, they suffered disclosure statement that the recovered contraband was purchased from the present petitioner. On the basis of the aforesaid disclosure statements, 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 Ludhiana but the same had been dismissed, vide order dated 08.11.2024

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. Earlier also, the petitioner was nominated in two cases on the basis of the disclosure statement suffered by the co-accused but he has been acquitted in both the cases after facing full length trial. This fact goes to show that he is being falsely implicated in similar cases by the police officials. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner 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.

Learned State counsel, who has advance notice of the petition, seeks some time to file the status report.

List again on 18.12.2024.

Considering the fact that the quantity of the alleged contraband recovered in this case is small and the petitioner has been nominated in this case on the basis of

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the disclosure statement suffered by the aforesaid co-accused, 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 BNS, 2023.”

3. However, when the case was taken up on 20.12.2024, the petition was dismissed for non-prosecution as it was informed by learned State counsel that the petitioner had not joined investigation in compliance with order dated 21.11.2024 and also for the reason that there was no representation on behalf of the petitioner. Thereafter, the petitioner had moved an application bearing number CRM-342-2025 seeking restoration of the petition on the ground that in fact he had already joined investigation on 02.12.2024 and it was due to some misunderstanding that learned State counsel had informed this Court that he had not joined investigation. The said application was allowed and the petition was restored to its original number and stage.

4. Today, the case has been taken up. Learned State counsel, on instructions from the Investigating Officer and in terms of the status report filed today in Court, has submitted that the petitioner has joined investigation on 02.12.2024 and he is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, this Court is of the considered opinion that the pre-trial incarceration of the

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petitioner is not required. Accordingly, the present petition is allowed and the order dated 21.11.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS, 2023.

6. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

07.03.2025*Wasem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*