



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32606-2025
DECIDED ON: 17.06.2025

AJAY SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Atinderpal Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNNS, 2023(438 of the Cr. P.C) for the grant of Anticipatory Bail in FIR No. 75 dated 22.03.2025 registered under Section 21-B, 27(a), 29 of the NDPS act 1985 at Sadar Islamabad, Commissionerate, Amritsar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Station House office Police Station Islamabad Jai Hind. Toady I ASI along with ASI Narinderpal Singh 2437/ASR, S/CT Gurbinder Singh 969, CT Gurvinder Singh 2004, CT. Amritpal Singh 2432, carrying along Laptop Printer on Government Vehicle Bolero No. PB02-AS-5731 driven by CT. Gurvinder Singh 2004 were going from Jhabal road to newly constructed road towards New Colony near Central Jail for patrolling and in search of elements then from front from the side of Plots two Hindu Youths were seen coming while walking. Upon seeing the

police party in front, at once in a feared manner about to turn backward and while throwing something from their right pocket of the Pent they were wearing, I ASI along with my companion employees after apprehending them first youth was apprehended by myself and second youth was apprehended by ASI Narinderpal Singh 2437. From the apprehended youths I ASI asked name and address respectively then the youth apprehended by me told his name Kuldeep Sing @ Kaka son of Amrik Singh resident of Gilla Di Patti Village Fatahpur Police Station Islamabad and the youth apprehended by ASI Narinder Pal Singh 2437 told his hame Jatinder Singh @ Joban son of Jaswant Singh resident of Chardi Patti Village Fatapur Police Station Islamabad. I ASI in the presence of companion employees before opening the plastic bag carried by accused Kuldeep Singh @ Kaka in his hand tried to join some public witness to the police party but due to factionalism in the village everybody by expressing his respective difficulty no person get ready to join the police party, then I ASI asked to accused Kuldeep Singh @ Kala about the plastic bag held by him in his hand that what is in it, Kuldeep Singh @ Kaka told that it contains Heroin. The recovered Heroin was weighed by me on the computerized weighing machine which comes to 20 gms along with plastic bag. By putting the same in the separate plastic box by putting in one cloth bag after parcel sealed with my seal AK. Then I ASI asked to accused Jatinder Singh @ Joban son of Jaswant Singh about the plastic bag held by him in his hand that what is in it, Jatinder Singh @ Joban told that it contains Heroin. The recovered Heroin was weighed by me ASI on the computerized weighing machine which comes to 10 gms along with plastic bag. By putting the same in the separate plastic box by putting in one cloth bag after parcel sealed with my seal AK and sample seal was prepared separately. I ASI after use of seal handed to ASI Narinderpal Singh 2437. On personal search of Kuldeep Singh @ Kaka, from the right pocket of pent which he was wearing currency notes of 500X3=1500/- rupees were recovered. On

asking by me ASI regarding the amount Kuldeep Singh @ Kaka told that I collected this amount by selling the Heroin. The recovered drug money of Rs. 1500/- was kept separately by putting in separate envelop. The recovered 02 parcels Heroin sealed with seal A.K., sample seal sealed as AK, Drug money Rs. 1500/- were taken into police possession as evidence through separate recovery memo, on the recovery memo accused Kuldeep Singh @ Kaka and Jatinder Singh @ Joban put their respective signatures, the witnesses put their respective witness. Recovery memo was prepared as per procedure. Kuldeep Singh @ Kaka above by keeping 20 gms Heroin, drug money of Rs. 1500/- Indian currency and Jatinder Singh @ Joban above by keeping in his possession 10 gms Heroin, on finding the offence under Section 210B/27-A/61/85/NDPS Act has been committed, then by writing Ruga for registration case was sent to the Police Station Islamabad through DT. Amritpal Singh 2432/ASR, Police Station Islamabad and regarding this information separate report under Section 57 NDPS Act is sent to Senior officers in closed envelop through S/CT Gurbinder Singh 969. Due to Jammers are installed in Central Jail, Amritsar and due to no network, videography through E-SAX app could not be done. After registration of case number of the case be informed. Control room and Head officer be informed. After issuing special report sent to Magistrate Sahib and officers. I ASI along with employees busy in investigation at spot Today in the area of New vacant plot near Central Jail, Jhabal Road AT-08-00 PM.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not named in the FIR but was subsequently roped in on the basis of disclosure statement of co-accused, namely, Kuldeep Singh @ Kaka. He further contends that nothing has been recovered from the possession of the

petitioner as whatever was recovered i.e. 30 grams of heroin, that was from co-accused persons namely Kuldeep Singh @ Kaka and Jatinder Singh @ Jobanand. He further asserts that the quantity of recovered contraband is non-commercial in nature. The petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Sandeep Singh, AAG, Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is the main supplier of the alleged contraband.

4. **Analysis**

Be that as it may, considering the fact that nothing has been recovered from the present petitioner, who has been nominated as an accused in the instant FIR only on the basis of disclosure statement of co-accused Kuldeep Singh @ Kaka; the quantity of recovered contraband is non-commercial in nature as well as considering the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by

the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

17.06.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No