



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23782-2025 (O&M)
Date of decision: 03.07.2025

Malkeet Singh

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. In the instant petition, on 02.05.2025, the following order was passed by a coordinate Bench:

“By way of present petition filed under Section 482 BNSS. 2023, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
0047	15.04.2025	22 of NDPS Act	Khui Khera, District Fazilka

2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the basis of baseless allegations.

3. Learned counsel for the petitioner further contends that the petitioner has no concern whatsoever with the alleged recovery of intoxicant tablets and infact the police party had raided the house of the petitioner and taken away his motorcycle which they have planted in the FIR to falsely implicate the petitioner in this case.

4. Notice of motion.



5. **On the asking of the Court, Mr. Jatinderpal Singh, Sr. DAG. Punjab, present in Court, accepts notice on behalf of the State respondent and prays for time to file the status report/reply in the matter.**
6. **Adjourned to 14.05.2025.**
7. **Needful be done well before the date fixed with an advance copy to the counsel opposite.”**

2. In compliance to the order dated 26.05.2025, the Investigation Officer, namely, Gurinder Singh, SI, Police Station Khui Khera (Fazilka) is also present in Court.

3. On being asked by the Court, the Investigation Officer explains that though there was secret information about the reach of the accused at the Naka point, yet on seeing the police party in advance, the petitioner succeeded in running away from the spot by taking undue advantage of the darkness. However, there is no explanation by the Investigating Officer as to why there was no arrangement in advance of adequate light/electricity, especially when the Naka was to be set up at such a location.

3. Learned counsel for the petitioner extends his submission by contending that a false case has been registered against the petitioner, and that raids have been conducted at his house. He relies upon the CCTV footage of the area to substantiate his claim that, it is the police officials, who have been raiding the petitioner's premises in an attempt to nab him and involve in a false case. However, on getting failure to arrest the petitioner, for the reason best known to the police, he has now been implicated in the instant case. Counsel further argues that the recovery of the alleged contraband has already been effected and the motorcycle is also in the police custody. Moreover, he expresses the petitioner's inclination to join the investigation and fully cooperate with the police if he is granted protection from arrest.



4. Noticing all the circumstances in its entirety, and there is a recovery of 60 tramadol tablets, which is a non-commercial quantity, the prayer made in the present petition for anticipatory bail is accepted. The petitioner is directed to join the investigation within a period of two weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

5. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

6. Petition stands **disposed of** accordingly.

(Sanjay Vashisth)
Judge

03.07.2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No