



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-29993-2025  
DECIDED ON: 28.05.2025

SAHIB SINGH @ SUJAL MATTU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.M. Gulati, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No. 0024 dated 12.04.2025 (Annexure P-1), under Section 21(b), 27(a) of NDPS Act (Section 29 of the NDPS Act and Section 111(2) (B) of BNS, 2023 added lateron), Police Station Division-D, District Police Commissionerate Amritsar.

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

*“Today, I SI along with ASI Gurjit Singh 2183, HC Baljinder Singh 896, Senior Constable Ajikal 2082 were on a private vehicle for patrolling in connection with a bad person along with the investigator and secret informer and were going towards Rajiv Gandhi Nagar on the dirt road that goes towards Lahori Gate Chak Wala. When the police party reached the bank side of*

*the community hall, a handsome young man was seen walking towards the front with a polythene bag in his right hand. Seeing the police party, he got scared and turned back and walked away quickly. Whom I SI with the help of fellow colleges caught without any suspicion and asked his name and address. Who told his name as Shiva Gill son of Raman Kumar resident of tenant of Rinku's house, Street No.1, Guru Ramdas Nagar Gilwali Gate Amritsar. Who was strictly asked about the polythene bag held in his hand. Who told that this polythene bag contains with heroin. Before checking the polythene bag held in his hand, notice was served under Section 50(1) Of NDPS ACT and every possible effort was made to include the police party as a witness before checking the polythene bag, but everyone did not join the police party, expressing their compulsion. From which, in the presence of fellow employees, on checking the polythene bag held in the hand of the said Shiva Gill, 2 notes of Indian currency 500/500/- and 1 note of Rs. 50, totaling Rs. 1050, were found in the envelope and another small polythene bag was also recovered in the same envelope. On checking, heroin was recovered from it. The seized heroin was weighed on a digital scale and the polythene bag containing 17 grams of heroin was found. The seized heroin was put in a plastic box along with the semi-envelope and a parcel was prepared and sealed with its letter stamp DK. A separate sample stamp was prepared separately. After the stamp was used, reference was made to ASI Gurjit Singh 2153 and the seized Indian currency of Rs. 1050/- was asked to Shiva Gill who told that this money is the money of heroin exchange. Which was found in a separate paper envelope. The seized heroin including 17 grams of drug money of Rs. 1050/- was seized as evidence by the police through separate seizure. Regarding which evidence on the side of Constable Charanpreet Singh 3163 was videographed and Section 57 of NDPS-ACT is being fulfilled. Because the said Shiva Gill has committed his crime to keep 17 gram heroin and Rs. 1050/- which is included drug money committed offence 21 (B), 27(A) - 61-85*

*of NDPS- ACT. To register a case against him, the police is sending a printout to Constable Ajical 2082 of the police station. The case should be registered and the case number should be informed. The Chief Officer of the police station and the control room should be informed. Special reports should be issued and sent to the service of the Area Magistrate and other officers. I SI along with employees are busy investigating the case at the Mosul police station, the case has been registered and the original copy of the FIR has been sent to the fellow employee, SI, for further investigation.”*

3. **Contentions**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as nothing has been recovered from his conscious possession. He further contends that the alleged contraband i.e. 17 grams of heroin and drug money of Rs.1050/- were recovered from the possession of the co-accused namely Shiva Gill, on whose disclosure statement, the petitioner was nominated as an accused in the instant FIR. He asserts that the quantity of recovered contraband from the co-accused namely Shiva Gill, 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. Jastej Singh, Addl. A.G., 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 a habitual offender as he is involved in six other cases.

4. Analysis

Be that as it may, the argument raised on behalf of the learned State counsel cannot be a ground to decline the anticipatory bail to the petitioner in the instant FIR merely for the reason that the petitioner is involved in other FIR and also when the prosecution has failed to connect the petitioner with the alleged commissioning of the offence. The material and evidence available in other FIR, may be six in number, cannot be considered as a material and evidence in the instant FIR to prosecute and convict the petitioner, as such, it does not make any logic by judicial mind to hold guilty in the present case. Hence, it would be unjust, unfair and violative of Article 21 of the Constitution of India to take him into custody having no justifiable cause arising out of the submissions made by learned State counsel.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “*Baljinder Singh alias Rock vs. State of Punjab*” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions

in all probability would land the petitioner in a situation of denial of concession of bail.

Also, considering the fact that the petitioner was nominated as an accused in the instant FIR only on the basis of disclosure statement of co-accused namely Shiva Gill, from whose possession, 17 gram of heroin and Rs.1050 of drug money were recovered, which 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**

**28.05.2025**

*Poonam Negi*

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*