



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

104

CRM-M-20546-2025

Date of decision: 17.04.2025

SUKHPREET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. C.S. Jattana, Advocate  
for the petitioner.

Mr. Jastej Singh, DAG, Punjab.

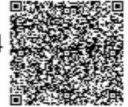
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**SANDEEP MOUDGIL, J.(ORAL)****1. Relief sought**

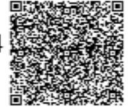
The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.62 dated 20.03.2025 (Annexure P-1), under Section 18 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Sadar Mansa, District Mansa.

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

*"Station House Officer, P.S Sadar Mansa, Fateh, "Today I, S.I along with Cont. Arshdeep Sharma 1507/Mansa, C/Const. Jagjit Singh 1250/Mansa, Sepoy Pargat Singh 113/Mansa, Sepoy Rupinder Singh 755/Mansa along with electronic kit in Government Balero vehicle No. PB 31 P 3517 vehicle driven by Sepoy Rupinder Singh 755/Mansa, in connection with patrolling in connection of checking suspicious peoples in village Ramditte wala, Gehle, etc. were on their way, when the police party*



*reached the bridge canal Gehle while patrolling, the right side of the needle, but under a tree, a young man was making some frills in a plastic envelope. On seen the police party he tried to flee away and on suspicion, he stopped the vehicle and with the help of his fellow employee, arrested the said young man and asked for his name, who told his name as Jagdeep Singh alias Jalla son of Sevak Singh son of Bhura Singh, a resident of Maujia, whose description is as follows, age about 21 years, height 5'5", body thin and strong, left ankle, but a mark of Injury, good health. The private witness could not join. Then I, S.I suspected that there was something in the plastic envelope held by Jagdeep Singh alias Jalla and I S.I had asked about the legal right to accused Jagdeep Slingh @ Jalla, that if you want that search of this very plastic envelope shall conducted by the gazetted officer or a magistrate he called at the spot and issued separate notice under section 50 of NDPS Act, on which accused signed the notice in Punjabi language and also signed by the witnesses. Then Jagdeep Singh alias Jalla reposed faith on Me, sald that I want to conduct a search of himself and of the plastic envelope in his possession from them. Then in the presence Jagdeep Singh alias Jalla, I S.I opened and checked the plastic envelopes in the possession of the accused, Out of which another transparent plastic wrapper was recovered from which the opium was clearly visible. The recovered opium was weighed with a computerized scale, which was comes to 150 grams of opium in a transparent plastic envelope. Which was kept in the same plastic envelope and put in a cloth bag and prepared the parcel. Contraband seal with his seal letter N.S and prepared specimen seals separately. After the use the seal was handed over to H.C Arshdeep Sharma 1507/Mansa. Then I S.I took possession of parcel of sealed opium along with the*

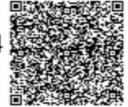


*sample seals. The memo were signed by the witnesses. Accomplished by videography/photography of the occasion through e-Saksya app. Jagdeep Singh @ Jaila has committed the offense section 18/61/85 NDPS, by keeping 150 grams of opium in his possession. Therefore, sepoy Rupinder Singh 755/Mansa is sent to the police station along with Ruqa for registration of cse against Jagdeep Singh @ Jaila The case should be registered and number be informed. Special reports to be issued. Please notify PCR Mansa. The employees have been busy in investigation. Sd/- Nachhatar Singh ASI/398, Police Station Sadar Mansa, Dated 20.03.2025, in the area Bridge Canal headed to Gehle Time:-03.30 PM, "Ruqa has been received in Police Station on which FIR against Jagdeep Singh allas Jaila son of Sevak Singh son of Bhura Singh, resident of Moujia has been registered and case file is completed. The original case is being sent through Sepoy Rupinder Singh 755/Mansa for further investigation. Copy of the FIR and special report are prepared and sent to higher officer and Illaqa Magistrate through Lady Sepoy Sukhpinder Kaur 1385/Mansa. PCR Mansa is being notified separately."*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 150 grams of opium was recovered from the co-accused namely Jagdeep Singh @ Jaila, the contraband recovered is non-commercial in nature. He further contends that the petitioner was not initially named in the instant FIR but was subsequently roped in only on the basis of disclosure statement of co-accused namely Jagdeep Singh. It has been contended on behalf of the



petitioner that nothing has been recovered from his conscious possession and is ready and willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jastej Singh, DAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Jagdeep Singh @ Jaila and was not initially named in the instant FIR; nothing has been recovered from the present petitioner as recovery of whatever contraband was effected was from other co-accused namely Jagdeep Singh @ Jaila added to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**17.04.2025**

*Nisha Yadav*

*Whether reasoned/speaking?*

*Yes/No*

*Whether reportable?*

*Yes/No*