



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35207-2025
DECIDED ON: 08.07.2025

SUKHWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.S. Rakhra, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS for the grant of Anticipatory Bail to petitioner in case FIR No.112 dated 30.09.2024, under Sections 21(B)/29/61 of NDPS Act, registered at Police Station Maqboolpura, District Amritsar.

2. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in only on the basis of disclosure statement of co-accused, namely Akashdeep Singh, from whose possession, 25.06 grams of heroin was recovered. He further contends that there is no incriminating material with the prosecution to connect the petitioner with the alleged offence except the disclosure statement of co-accused, namely, Akashdeep Singh. It has been further contended 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. 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 allegedly involved in the business of supplying drugs, and that custodial interrogation is necessary to ascertain the source of the contraband.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was not initially named in the FIR but was subsequently roped in only on the basis of disclosure statement of co-accused, namely Akashdeep Singh, from whose possession, 25.06 grams of heroin was recovered; there is no incriminating material with the prosecution to connect the petitioner with the alleged offence except the disclosure statement of co-accused, namely, Akashdeep Singh; the quantity of alleged 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

08.07.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No