

PBGD010038422025



Presented on : 22-04-2025
Registered on : 22-04-2025
Date of order : 24.04.2025
Pending for : 01.05.2025

IN THE COURT OF
ADDITIONAL SESSIONS JUDGE,
AT ,Gurdaspur
(Presided Over by Sh. Raman Goklaney)

BA/1609/2025

Dushant @ Dishu son of Gorkha @ Rajesh Kumar, resident of House No.
420, Out Side Khajuri Gate, Balmiki Mohalla, Batala, District Gurdaspur.
...Applicant/accused.

Versus

State of Punjab.

...Respondent.

*First Application for bail U/s 482 Bharatiya Nagarik Suraksha
Sanhita, 2023 for grant of anticipatory bail.*

FIR No. 37 dated 22.03.2025

Under Section 21 & 29 of Narcotic Drugs & Psychotropic Substances
Act, 1985

Police Station : City Batala, Police District Batala, District Gurdaspur.

Present : Sh. J.S.Babbar, Advocate, counsel for applicant-accused.
Sh.Amit Aulakh, Additional Public Prosecutor for State.

O R D E R:-

Apprehending arrest in case FIR No.37 dated 22.03.2025
under Sections 21 & 29 of Narcotic Drugs & Psychotropic Substances,
Act, 1985, registered at Police Station City Batala, Police District Batala,

Raman Goklaney,
Judge, Special Court, Gurdaspur
Dated : 24.04.2025

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District Gurdaspur, the accused-applicant has filed the instant anticipatory bail application.

2. The facts, in brief, necessary for disposal of the instant bail application are that FIR in question registered on the statement of SI Mohan Singh on the accusation that police party headed by him were patrolling in the area of Police Station City Batala and when the police party reached near Hansli Bank Colony Batala and started checking by laying picket, then from the side of Amritsar- Bye-pass, one young man seen coming by foot, who upon seeing the police party got perplexed and tried to turn back and further the said young man after noticing the police party tried to throw poly bag after taking out from the right pocket of his pant. Upon this, police party apprehended him on the basis of suspicion. It is the case of the prosecution that after following proper procedure for search and seizure 04 grams of Heroin recovered from the possession of said suspect, who disclosed his name as Dhiraj. It is the case of the prosecution that vide rapat No. 45 dated 22.03.2025, accused namely Pushap and Dishu @ Dushant nominated in the present case on the accusation that apprehended accused Dushant used to take narcotic from them. The Chemical Examiner report in the present case is still awaited.

3. Sh. J.S. Babbar, Advocate, learned counsel for the accused-applicant submitted that apart from disclosure statement there is nothing incriminating against the accused-applicant. It is next argued that the recovery effected in the present case is less than 05 grams, however, the accused-applicant is having apprehension of arrest while putting an

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appearance before the Investigating Officer even though the alleged recovery falls under small quantity. Learned counsel finally submitted that confessional/disclosure statement of co-accused during custody would not have any evidentiary value and further submitted that apart from disclosure statement nothing incriminating against the accused-applicant. Learned counsel next submitted that applicant is tendered year of age and sending him behind the bars would serve no purpose and would even ruined his future prospects. With these submissions prayer is made for grant of ad-interim/anticipatory bail.

4. Per contra, Sh.Amit Aulakh, learned Additional Public Prosecutor for State opposed the bail application on the ground that accused-applicant is involved in heinous offence and not entitled for concession of anticipatory bail.

5. After hearing the rival contentions of the parties and from the perusal of the record, it emerges out that in the present case apart from the disclosure statement there is no material whatsoever has been brought on record by the prosecution so far which points out the direct complicity of the present accused-applicant with the accusation levelled in the present FIR. In the recent judgment passed by Hon'ble Apex Court in case titled **‘Vijay Singh Versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No(s),1266/2023** decided on 17.05.2023, which is reproduced as under :-

“ The petitioner is alleged to have committed offences under
Sections 15 and 29 of the Narcotic Drugs and Psychotropic

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Substances act, 1985(hereinafter called the NDPS Act”). His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose and the petition is allowed”.

6. So, in view of the discussion made above, in these circumstances the present case as discussed above, custodial interrogation of the applicant/accused at this stage appears to be not imminent. As such, without commenting upon the merits of the case and in order to facilitate the fair investigation, applicant/accused is directed to join the investigation and in the event of doing so, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer and applicant is directed to cooperate in the investigation, subject to the following conditions:

1. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case, so as to dissuade him from disclosing

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such facts to the investigator during the course of investigation
and after presentment of challan to the court.

2. That the applicant will join the investigation/enquiry as and when called by the investigating officer.
3. That the applicant shall not leave the country without prior permission of the Court. Applicant shall furnish the details of passport, if any and in case he is not holder of the same, he shall furnish affidavit to that effect.
4. The accused/applicant shall furnish/submit 'Address Form' before the investigator, mentioning his ordinary place of residence and mobile number (s), which shall be used by him till the pendency of the case and would furnish undertaking that in case of change of place of residence/mobile number, he shall share the details with the investigator or with the trial court as the case may be.

7. It is made clear that observation made herein above shall not construed as an expression on the merits of the main case. Now to come up on 01.05.2025 for awaiting report from concerned police station as to whether applicant has joined the investigation or not.

Date of order:- 24.04.2025.

Iqbal Singh, Stenographer-I

(Raman Goklaney)
UID No PB-0687
JUDGE SPECIAL COURT,
Gurdaspur.

Raman Goklaney,
Judge, Special Court, Gurdaspur
Dated : 24.04.2025