

223 (2nd case)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-37197-2025

Date of decision: August 12, 2025

Rahul Kumar

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:** Mr. R.D. Rattewal, Advocate for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner in case FIR No.64 dated 03.06.2025, under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on vide DDR No.21 dated 04.06.2025), registered at Police Station Rahon, District SBS Nagar.

2. On 16.07.2025, the following order was passed:

“Counsel for the petitioner, inter alia, contends that the petitioner is sought to be implicated into the FIR in question solely on the basis of a disclosure statement made by co-accused from whom the contraband in question has been allegedly recovered & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Vijay Singh versus The State of Haryana' bearing Special Leave to Appeal (Crl.) No(s).1266/2023, 'State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr' 2022(1) RCR (Criminal) 762, 'Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592 and 'Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Babu vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 290.

Notice of motion.



On the strength of advance notice; Mr. Jatinder Pal Singh, Sr. DAG, Punjab has entered appearance on behalf of the respondent-State of Punjab.

Adjourned to 06.08.2025.

To be heard alongwith CRM-M-35745-2025.

The petitioner is directed to appear before the Investigating Officer on 22.07.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

3. Learned State counsel (on instructions from ASI Mohan Singh) has stated that pursuant to the order dated 16.07.2025, the petitioner has indeed joined investigation, and his custodial interrogation is not required.

4. Having heard learned counsel for the parties and in view of the stance of the State and the *ratio decidendi* of the judgments passed by the Hon'ble Supreme Court in '*Vijay Singh versus The State of Haryana*' bearing *Special Leave to Appeal (Crl.) No(s).1266/2023*, '*State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr*' 2022(1) RCR (Criminal) 762, '*Tofan Singh vs. State of Tamil Nadu*, AIR 2020 Supreme Court 5592 and '*Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu vs. State of Gujrat, Narcotics Control Bureau*' 2024 INSC 290, the interim order dated 16.07.2025 is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition



stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

8. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 12, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No