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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-34883-2025
DECIDED ON: 07.07.2025**

NIHAL SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aman Mehta, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 145 dated 24.03.2014 under Sections 15/25/27-A of NDPS Act 61/1985 (Section 15 C and 31 of NDPS Act added later on) registered at Police Station- Sadar Ratia, District Fatehabad (Annexure P-1) and for staying the arrest of the petitioner during the pendency of present petition.

2 Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the role attributed to the petitioner is at par with that of two co-accused persons, namely Harbans @ Pappy and Nishan Singh @ Chhani, who have been acquitted by the learned Trial Court vide judgment dated 28.03.2025 (Annexure P-2). It is further submitted that Harbans @ Pappy was the main accused, and the only allegation against the

petitioner pertains to his alleged presence at the time of loading the contraband namely, 475 kg of *chura post*/poppy husk contained in 19 plastic bags (katte) and 190 kg of *doda post*/poppy husk stored in 5 gunny bags (bori). Learned counsel, on instructions, also submits that the petitioner is ready and willing to cooperate with the investigation and undertakes to appear before the investigating agency as and when required.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State. He could not controvert the submissions made by learned counsel for the petitioner. Additionally, he submits that the contraband recovered in the present case is commercial in nature, therefore, rigour of Section 37 of NDPS would be attracted in the present case.

3. **Analysis**

Be that as it may, having given due consideration to the submissions advanced, particularly to the fact that co-accused Harbans Singh @ Pappy & Nishan Singh @ Chhani have already been acquitted by the trial Court vide judgment of acquittal dated 28.03.2025 (Annexure P-2) added with the fact that the petitioner is a person of clean antecedents, as he is not involved in any other case, custodial interrogation on the petitioner is not required.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to her 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

07.07.2025
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No