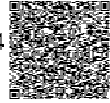


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-24764-2025 (O&M)
Date of decision: 02.07.2025**

Naem**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

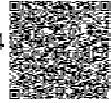
MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 48 dated 18.03.2025, registered under Sections 21-B and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) Police Station Farakpur, District Yamuna Nagar.

2. Vide order dated 07.05.2025, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 07.05.2025, passed by this Court, reads as under:

"...Brief facts of the case are that on 18.03.2025, co-accused Jinda Hassan was apprehended by the police party and recovery of 09 grams of heroin was effected from him. Upon interrogation, he disclosed that the recovered contraband was purchased from the present petitioner. On the basis of the same, the petitioner has been nominated in this case as an accused. Apprehending

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his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Yamuna Nagar but the same had been dismissed, vide order dated 02.05.2025.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. There is nothing on record to connect the petitioner with the subject offence. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

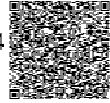
Notice of motion.

Mr. Apoorv Garg, Senior DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and seeks some time to file the status report.

List again on 02.07.2025.

Considering the fact that the quantity of the alleged contraband recovered in this case does not fall within the ambit of commercial quantity and the petitioner has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused, he is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction.

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The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that though the petitioner has joined investigation on 02.06.2025 and 05.06.2025 but he is not cooperating in the investigation and is not giving details as to source of the contraband.

4. In pursuance of the aforesaid order, passed by this Court, the petitioner has joined investigation on two occasions. So far as the contention of learned State counsel that the petitioner has not co-operated with the investigation is concerned, it may be stated that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of pre-arrest bail since, an accused, while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. In the considered opinion of this Court, the pre-trial incarceration of the petitioner is not required. As such, the present petition is allowed and the order dated 07.05.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

5. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

02.07.2025

Waseem Ansari(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No