



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M No.57236 of 2024
Date of decision: 07.04.2025

VINAY ALIAS TINDI

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.143 dated 14.09.2024, registered under Sections 21(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station A Division Amritsar, District Amritsar.

2. Vide order dated 18.11.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 18.11.2024, passed by this Court, reads as under:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.143, dated 14.9.2024 at Police Station A Division Amritsar, District Amritsar, under Sections 21(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the case of prosecution, one Satnam Singh was apprehended by the police while he was possessing 10 grams of



'heroin'. It is further the case of prosecution that during the course of interrogation, the aforesaid Satnam Singh disclosed that he had procured the said contraband from Vinay (petitioner).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of disclosure statement of co-accused, which would not carry any evidentiary value in the absence of any other connecting evidence. It has been submitted that the quantity of contraband allegedly recovered from co-accused, in any case, would fall in the category of 'non-commercial' quantity.

Notice of motion for 7.4.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C."

3. Status report dated 03.04.2025 filed on behalf of respondent-State is taken on record.
4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 15.01.2025 but he did not cooperate with the Investigating Officer and did not



disclose the origin of the contraband and therefore, it is urged that his custodial interrogation is required for thorough investigation.

5. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for 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. So far as, non-disclosure of origin of contraband is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 18.11.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

07.04.2025

Jyoti-IV

(MANISHA BATRA)

JUDGE

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