

2025:PHHC:114280



214

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40929-2025

Date of decision: August 27, 2025

Deepak

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sharda, Advocate and
Mr. Karajveer Singh, Advocate the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present second 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.217 dated 14.06.2025, registered for offences punishable under Sections 21(b) and 27-A of NDPS Act, 1985, at Police Station City Tohana, District Fatehabad.

2. On 31.07.2025, the following order was passed:

“Apprehending his arrest in FIR No.217 dated 14.06.2025 registered for offences punishable under Sections 21(b) and 27-A of the NDPS Act, 1985 at Police Station City Tohana, District Fatehabad; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

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 Bapu vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 290.

Notice of motion.

On the strength of advance notice; Mr. Tarun Aggarwal, Addl.AG, Haryana. has entered appearance on behalf of the respondent-State of Haryana.

Adjourned to 27.08.2025.

State is mandated to file reply, if so advised.

The petitioner is directed to appear before the Investigating Officer on 07.08.2025 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) has submitted that pursuant to the order dated 31.07.2025, the petitioner has joined investigation, but his custodial interrogation is required to ascertain complete details of the source from where the contraband was actually procured.

4. Keeping in view the factual milieu of the case in hand and stance of the State, especially the factum of the petitioner having joined investigation, and his custodial interrogation is required only to ascertain complete details of the source from where the contraband was actually procured, and he being arrayed as an accused on the basis of disclosure statement, this Court is inclined to confirm the order dated 31.07.2025, in light of the dicta of judgment passed by this Court in ***CRM-M-54032-2024 'Ashu Vs. State of Punjab'***.

5. Accordingly, the petition is allowed, and the order dated 31.07.2025 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. 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.

7. 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.

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

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

(SUMEET GOEL)
JUDGE

August 27, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No