



CRM-M-32982-2025

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

CRM-M-32982-2025

DECIDED ON: 11.07.2025

AMANDEEP SINGH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Sauhard Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J (ORAL)

1. On 02.07.2025, following order was passed by this Court:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<i>Name & age of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Amandeep Singh, aged about 28 years</i>	<i>101</i>	<i>04.05.2025</i>	<i>18(c), 29 of the NDPS Act</i>	<i>Ismailabad</i>	<i>Kurukshetra</i>

2. Learned State counsel submits that in some other case which is registered against the petitioner, he has already been declared as proclaimed person. Thus, submits that present anticipatory bail is not maintainable.

3. On the other hand, learned counsel for the petitioner submits that only in a case, where the accused has been declared as proclaimed person/proclaimed offender, would be unable to file anticipatory bail in the same case. However, in the present case, once the petitioner is not declared proclaimed person, present petition is maintainable.



4. *List again on 09.07.2025.”*

2. Again, on 09.07.2025, following order was passed by this

Court:-

1. *Since, the petitioner is declared proclaimed person in some other case, in the instant petition, on 02.07.2025, following order was passed by this Court:-*

“1. *Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-*

<i>Name & age of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Amandeep Singh, aged about 28 years</i>	<i>101</i>	<i>04.05.2025</i>	<i>18(c), 29 of the NDPS Act</i>	<i>Ismailabad</i>	<i>Kurukshetra</i>

2. *Learned State counsel submits that in some other case which is registered against the petitioner, he has already been declared as proclaimed person. Thus, submits that present anticipatory bail is not maintainable.*

3. *On the other hand, learned counsel for the petitioner submits that only in a case, where the accused has been declared as proclaimed person/proclaimed offender, would be unable to file anticipatory bail in the same case. However, in the present case, once the petitioner is not declared proclaimed person, present petition is maintainable.*

4. *List again on 09.07.2025.”*

2. *Today, counsel for the petitioner relies upon the judgment passed in the case of Asha Dubey vs. The State of Madhya Pradesh, in Criminal appeal no.4564 of 2024, wherein Hon’ble the Apex Court observed that even if an accused is declared proclaimed person in a case, petitioner can apply for anticipatory bail in the same case.*

3. *Learned State counsel, on instructions from ASI Surender Kumar, informs the Court that petitioner has been declared proclaimed person, in case No.216 of 2017, under Section 138 of NI Act, in the Court of learned SDJM, Guhla, on 19.08.2023.*



Further informs that petitioner is accused in two other cases also, and in the present case, petitioner is found to be in contact with the main accused namely Shamsher Singh, through Whatsapp calls. However, learned State counsel seeks some time to verify the period, as to when the petitioner was in contact with the main accused Shamsher Singh, through Whatsapp call or any other mode.

4. List again on 11.07.2025.

5. Till the next date of hearing, arrest of the petitioner shall remain stayed.”

3. Learned State Counsel, on instructions from ASI Surender Kumar, submits that, as of now, he is unable to point out any further evidence against the petitioner. He submits that mobile phone of the arrested accused, Shamsher Singh, has already been sent to the Forensic Science Laboratory (FSL), Panchkula, and report is still awaited.

4. In response, counsel for the petitioner, while extending his submissions, contends that co-accused Raman Saini, who, as per the prosecution, was also found to be in contact with Shamsher Singh, has already been granted regular bail.

5. With respect to the petitioner, it is argued by counsel for the petitioner that, apart from the oral disclosure statement, there is no other incriminating evidence presently available with the prosecution. Despite specific directions issued by this Court and granting of sufficient time, no additional material has been brought forward by learned State counsel. Moreover, petitioner is willing to join the investigation and fully cooperate with the authorities, provided that he is granted protection from arrest by this Court.



6. Taking note of the overall circumstances and the fact that, as of now, only material against the petitioner is the alleged oral disclosure statement of the arrested accused Shamsheer Singh, from whose possession 551 grams of opium was recovered, this Court is of the considered view that custodial interrogation of the petitioner is not warranted, at this stage.

7. Accordingly, present petition stands disposed of, with a direction to the petitioner to join the investigation within two weeks from today, and in the eventuality of the arrest, petitioner would be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

(SANJAY VASHISTH)

JUDGE

11.07.2025

Lavisha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*