



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

210

**CRM-M-552-2025(O&M)
Date of Decision: 14.02.2025**

SUNIL KUMAR ALIAS SUNIL

...Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Baljeet Kaur, Advocate for
Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
77	16.06.2024	P.S. Rori, District Sirsa	21(b) of NDPS Act

2. Vide order dated 10.01.2025 passed by this Court, the petitioner was ordered to be released on interim bail and was directed to join investigation. Order dated 10.01.2025 reads as under:-

“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. 77 dated 16.06.2024, registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) Police Station Rori, District Sirsa.



Brief facts of the case are that on 16.06.2024, co-accused Balwinder Singh @ Babbu was apprehended by a police party headed by SI Ajay Kumar and recovery of 11.30 grams of heroin was effected from him. He was formally arrested at the spot. During the course of investigation, disclosure statement of the above named co-accused was recorded, wherein he disclosed that the recovered contraband was purchased from the petitioner. On the basis of the same, the petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sirsa but the same had been dismissed, vide order dated 02.01.2025.

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. The petitioner is not involved in any other criminal case. 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 Deputy Advocate General, 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 14.02.2025.



Considering the fact that the quantity of the alleged contraband recovered in this case is small and the petitioner is not involved in any other case under the NDPS Act, 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. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS, 2023.”

3. Learned State counsel has filed status report dated 11.02.2025. The same is taken on record and be tagged at the appropriate place. Further submitted by learned State counsel that the petitioner has joined the investigation on 18.01.2025. His further custodial interrogation is not required.

4. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 10.01.2025 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

14.02.2025

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable | Yes/No |