



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

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**CRM-M No.36116 of 2024
Date of decision : 29.7.2024**

Sahil**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Omkar Chauhan, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to the petitioner in FIR No.169 dated 12.3.2024, under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on), registered at Police Station Shahabad, District Kurukshetra.

2. Learned counsel for the petitioner would contend that the petitioner was not named in the FIR. He has been nominated as an accused on the basis of disclosure statement of co-accused Lovelesh @ Monty, wherein 10 grams of heroin was recovered from the co-accused and no recovery whatsoever has been effected from the present petitioner, who has been dragged into the instant FIR without having any incriminating material available with the prosecution except a bald statement that he has purchased the same from the petitioner.

3. Notice of motion.

4. On the asking of Court, Mr. B.S. Virk, Senior DAG, Haryana, who is present in Court, accepts notice on behalf of respondent-State and on instructions, seeks dismissal of the instant petition on the ground that his custodial interrogation is must to unearth the racket and *modus oprendi*, who is acting hand in glove with other co-accused.



5. Be that as it may, having given thoughtful consideration to the submissions made by learned counsel for the parties and the facts of the present case that the quantity, admittedly, is of nominal nature and the same has not been recovered from the petitioner, neither there is any incriminating material to show any role of the petitioner in the instant FIR. Moreover, he is not named in the FIR and rather nominated on the disclosure statement of co-accused, no other case is pending against him meaning thereby that he is not a habitual offender, and therefore, this petition deserves to be allowed.

6. In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining the investigation, on his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within two weeks, the order passed by the Court shall automatically stands cancelled.

8. The petition stands allowed in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

29.7.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No