



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

207

**CRM-M No.49491 of 2024
Date of decision: 27.11.2024**

TINKA @ PRINCE

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. D.S. Virk, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), has been made for grant of anticipatory bail to the petitioner in case FIR No. 392 dated 23.08.2024, registered under Section 21B of the NDPS Act, 1985 at Police Station Civil Line, Sirsa, District Sirsa..

2. Vide order dated 03.10.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 03.10.2024, passed by this Court, reads as under:

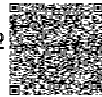
“Through the instant petition, filed under Section 482 of BNSS, 2023, the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 392 dated 23.08.2024, registered under Section 21B of the NDPS Act, 1985 at Police Station Civil Line, Sirsa, District Sirsa.

Brief facts of the case are that on 23.08.2024, co-accused Govind was apprehended by a police party and recovery of 06



grams and 85 milligrams of heroin was effected from him. During the course of investigation, disclosure statement of aforesaid co-accused was recorded, wherein he disclosed that the recovered contraband was purchased from one Bansilal. Subsequently, aforesaid Bansilal was nominated in this case and arrested by the police. It is on the basis of the disclosure statement suffered by co-accused Bansilal that the present 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 26.09.2024.

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 Bansilal, who himself was nominated in this case on the basis of disclosure statement made by co-accused Govind, who was arrested at the spot and from whom, aforesaid recovery of contraband was effected on 23.08.2024. In fact, no recovery has been effected from co-accused Bansilal. It is well settled law that the disclosure of a co-accused 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 case under the NDPS Act. 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. Arjun Lakhanpal, Addl. A.G., 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 27.11.2024.

Considering the fact that the quantity of the alleged contraband recovered in this case is of small quantity 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 BNSS, 2023. ”

3. Status report filed on behalf of respondent-State is taken on record. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 10.10.2024 and recovery of ₹1,500/- has been effected from him and that he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed

and the order dated 03.10.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

27.11.2024

Jyoti-IV

(MANISHA BATRA)
JUDGE

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