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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1002-2025
DATE OF DECISION: 13.01.2025

KULDEEP ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Vikas Bishnoi, Advocate for the petitioner(s).

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under Section 482 of BNSS for the grant of anticipatory bail to the petitioner in case FIR No. 679 dated 16.10.2024, under section 21 of NDPS Act, 1985 and section 42 Prisons Act, 1894 registered at Police Station Azad Nagar, District Hisar.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘With respect to above mentioned subject, it is written to you that on dated 16.10.2024 at about 7 A.M. in the morning daily officer Rajbir, Head Warden Jail, was inspecting the spot and when he was coming from pillar no.7 to pillar no. 8 then he saw one box which was wrapped in white tape and is of purple colour. On opening the box, then four strips of medicine which were wrapped in cotton of Buprenorphine 2mg Naloxone 0.5 mg Sublingual tablets IP. each strip containing 10 tablets were recovered and one iron cell was also recovered from the box and



after breaking the same, nothing was found in that. It appears that this box was thrown on instructions of some inmate who is lodged in the jail and that it had not reached to the inmate and it has fallen outside the wall. Therefore, the plastic box of purple colour along with four strips of Buprenorphine 2mg Naloxone 0.5 mg Sublingual tablets IP along with broken cell is sent to you with the request that you investigate in this matter and necessary legal action be taken against the inmates/persons who are involved in this. This is forwarded to you for further legal action. Enclosed plastic box of purple colour containing four strips of Buprenorphine 2mg Naloxone 0.5 mg Sublingual tablets IP along with broken cell. SD Shivkumar 16.10.2024. Shiv Kumar, Deputy Superintendent, Central Jail-2 Hissar.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has submitted that the alleged recovery of 40 tablets of Buprenorphine 2 mg and Naloxone 0.5 mg which are non-commercial in nature has been effected from the co-accused-Pardeep who was already in custody and the petitioner has been arrayed as an accused in the present FIR on the basis of the disclosure statement made by him and it is on that account, counsel for the petitioner has asserted that Section 29 of the NDPS Act is added without any incriminating material against the petitioner.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer could not dispute the fact that recovery was effected from the possession of co-accused Pardeep who was lodged in jail and it is on his disclosure statement, the petitioner was arrayed as an accused in present FIR. Counsel for the State is

unable to produce any incriminating material against the petitioner to connect him with the alleged recovery of contraband directly or indirectly.

4. **Analysis**

Be that as it may, in the absence of any cogent material as has been admitted by State Counsel itself before this Court while contesting the present petition, it would be futile exercise to keep the petitioner behind the bars having no reason for the custodial interrogation. Consequently, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of 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 BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such

directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

13.01.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>