



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

**CRM-M-1974-2025 (O&M)
Date of decision: 22.04.2025**

Ravi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- None for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.327 dated 09.10.2021, under Sections 21 & 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985; Section 78 of the Juvenile Justice Act, 2015, registered at Police Station Badli, District Jhajjar.

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- (2) Allegations are that co-accused Aditya was found in possession of 6.18 grams of *Heroin* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.
- (3) Learned State Counsel, on instructions from ASI Mukesh Kumar submits that petitioner was granted interim bail by Coordinate Bench, vide order dated 15.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.
- (4) Heard learned State Counsel and perused the paper-book.
- (5) It transpires that petitioner was granted interim protection by Coordinate Bench, vide order dated 15.01.2025 and the same reads as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.327 dated 09.10.2021 registered under Sections 21, 27-A of NDPS Act and Section 78 of Juvenile Justice Act, registered at Police Station Badli, District Jhajjar.

Counsel for the petitioner inter alia submits that the petitioner who was not named in the FIR and was later on nominated as accused on the basis of disclosure statement suffered by co-accused from whom the police is stated to have recovered 6.18 grams of heroin. Counsel for the petitioner further submits that the aforesaid alleged disclosure statement suffered by co-accused against the present petitioner is inadmissible in evidence and further the petitioner is having no criminal antecedents under NDPS Act and is ready to join investigation with the police at the earliest.

Notice of motion.

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Mr. Arjun Lakhanpal, Addl. A.G. Haryana, accepts notice on behalf of the State and on instructions from ASI Mukesh submits that 6.18 grams of heroin was recovered from main accused Aditya who was arrested at the spot and thereafter Aditya suffered disclosure statement to the effect that the present petitioner and other accused persons used to supply heroin to him for its further sale. That consequently, the petitioner is also nominated as accused and is required by the police for proper investigation. However, the State counsel has not refuted the fact that the petitioner is having no criminal history under NDPS Act.

The aforesaid 6.18 grams of heroin comes under non commercial quantity and thus, is not covered by the stringent provision of Section 37 NDPS Act. Further the petitioner was not named in the FIR and the veracity and admissibility of disclosure statement suffered by co-accused against the present petitioner is subject matter of trial.

In view of above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The petitioner is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.

Now be listed on 12.03.2025.”

(6) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(7) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition

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is allowed; interim order dated 15.01.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(10) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

22nd April, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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