



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

**CRM-M-3218-2025 (O&M)
Date of decision: 24.04.2025**

Vikas Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. G.C.Shahpuri, Advocate for the petitioner.

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

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*) for grant of pre-arrest bail to the petitioner in FIR No.521 dated 09.11.2024 (P-1), under Sections 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

(2) Allegations are that co-accused Rajdeep @ Raju and Manoj Kumar @ Moji were found in possession of 60 grams of *Heroin* without any license and petitioner has been nominated on the basis of disclosure, made by another co-accused, namely, Yunus @ Aneesh.



- (3) Learned Counsel contends that petitioner was granted interim protection by this Court, vide order dated 21.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.
- (4) The above factual position is not disputed by learned State Counsel, on instructions from S.I. Makhan Singh.
- (5) Heard learned Counsel for the parties and perused the paper-book.
- (6) It transpires that petitioner was granted interim protection by Ordinate Bench, vide order dated 21.01.2025 and the same reads as under:-

“The present petition has been filed by the petitioner under Section 438 Cr.PC seeking grant of anticipatory bail in a criminal case having FIR No.521 dated 09.11.2024 under Sections 21(b) and 29 of NDPS Act registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case on the basis of disclosure statement of co-accused Yunus @ Aneesh, who was arrested by the police on the basis of disclosure statement suffered by co-accused Rajdeep @ Raju and Manoj Kumar @ Moji from whom the police recovered 60 grams of heroin. No recovery of any contraband was affected from the co-accused Yunus @ Aneesh and now he has been granted regular bail by the Court concerned vide order dated 13.01.2025 (Annexure P-2). It is further submitted that the alleged recovery comes under non-commercial category and thus, is not covered by rigours of Section 37 of NDPS Act and further, petitioner is

2025:PHHC:052468



having no criminal antecedents and is ready to join the investigation with the police.

Notice of motion.

Mr. Arjun Lakhanpal, Addl. AG, Haryana accepts notice on behalf of the State and submits that the petitioner is required by the police for proper investigation of the case. However, the State counsel has not disputed the fact that 60 grams of heroin was recovered in this case from co-accused Rajdeep @ Raju and Manoj Kumar @ Moji and on the basis of their disclosure statements, co-accused Yunus was nominated and thereafter, arrested in the present case but nothing was recovered from the said Yunus. The name of the present petitioner has surfaced in the disclosure statement of that Yunus. The State counsel has not disputed the fact that recovery affected from coaccused Rajdeep @ Raju and Manoj Kumar @ Moji comes under the non-commercial quantity and further, that the petitioner is not facing any other criminal case under the NDPS Act.

The disclosure statement, if any, suffered by co-accused against the present petitioner will be tested during trial with regard to its veracity and admissibility.

In the light of above, the petitioner is 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) Cr.PC/ 482(2) of BNSS, 2023.

Now to be listed on 01.04.2025.”

(7) 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.

2025:PHHC:052468



(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 21.01.2025 is made absolute subject to the conditions as envisaged under Section 438 (2) of the Cr.P.C.

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

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

(11) 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.

24th April, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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