



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M No.4854 of 2025

Date of decision: 25.03.2025

TARSEM SINGH @ SEMI

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Dheeraj Narula, 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'), is for grant of anticipatory bail to the petitioner in case FIR No. 231 dated 09.12.2024, registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') Police Station Baragudha, District Sirsa (Haryana).
2. Vide order dated 29.01.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 29.01.2025, passed by this Court, reads as under:

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 231 dated 09.12.2024, registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') Police Station Baragudha, District Sirsa (Haryana).



Brief facts of the case are that on 09.12.2024, co-accused Makhan Singh and Gurpreet Singh were apprehended by a police party and recovery of 08 grams of heroin was effected from them. They were formally arrested at the spot. During the course of investigation, disclosure statements of above named coaccused were recorded, wherein they disclosed that the recovered contraband was purchased from the present petitioner. On the basis of the same, the 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 17.12.2024.

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 statements suffered by the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. Co-accused Gurpreet Singh has been granted concession of regular bail by the Court of learned Additional Sessions Judge, Sirsa, vide order dated 09.01.2025 (Annexure P-3). No recovery is to be effected from the petitioner. He is ready to join the investigation. 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. Dharam Pal, AAG, 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 01.03.2025.

Considering the fact that the quantity of the alleged contraband recovered is small and the petitioner is nominated in this case on the basis of the disclosure suffered by above named co-accused, 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. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 04.02.2025 and he is not required for custodial interrogation.

5. 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 29.01.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)
JUDGE

25.03.2025
Jyoti-IV

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