



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.7982 of 2025
Date of decision: 13.05.2025

ISTHKAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vikas Bairagi, Mr. Abhimanyu Balyan and
Ms. Raina Godar, Advocates for the petitioner.

Ms. Sheenu Sura, D.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.02 dated 07.01.2025 registered under Sections 22(b) and 29 of NDPS Act at Police Station Buria.
2. Vide order dated 11.02.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 11.02.2025, passed by this Court, reads as under:

“Prayer is for grant of anticipatory bail to the petitioner under Section 482 of BNSS, 2023 in criminal case having FIR No.02 dated 07.01.2025 registered under Sections 22(b) and 29/61/85 of NDPS Act at Police Station Buria.

Counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case on the basis of disclosure statement suffered by co-accused Kadir from whom police stated to have recovered non-commercial quantity of



medical intoxicants i.e. 38 strips each containing 10 capsules of Parvion Spas total weighing 218.5 grams of Tramadol. It is further submitted that the aforesaid disclosure statement, if any, made by co-accused against the present petitioner is inadmissible in evidence and further the rigors of Section 37 of NDPS Act are not attracted to the aforesaid recovery which comes under non-commercial quantity. Furthermore, the petitioner is not involved in any other criminal case and is ready and willing to join the investigation with the Police at the earliest.

Notice of motion.

Mr. Arjun Lakhanpal, Addl.A.G., Haryana accepts notice on behalf of the State and on instructions from SI Matlub Hussain has not disputed the factual aspects of the case to the effect that at the first instance, co-accused Kadir was arrested along with non-commercial quantity of medical intoxicants and the present petitioner was nominated as an accused on the basis of disclosure statement suffered by aforesaid Kadir. However, the State counsel has not disputed the fact that recovery effected from the co-accused is not covered under the stringent provisions of Section 37 of NDPS Act and further the petitioner is having no criminal antecedents.

The alleged disclosure statement, if any, suffered by co-accused against the present petitioner will be tested during trial. Further at this point of time, rigors of Section 37 of NDPS Act are not attracted to the instant case.

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Now be listed on 13.05.2025.

In view of the above, the petitioner is hereby directed to join investigation with the police and in case of arrest, he is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner is to abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.”

3. Reply dated 12.05.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 10.03.2025 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 11.02.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

13.05.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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