

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

CRM-M-9480-2025 (O&M)
Date of decision: 26.05.2025

Nihal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

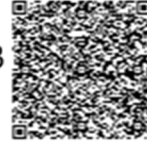
Present:- Mr. Sunil Bhardwaj, Advocate for
Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Neeraj Sheoran, 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.41 dated 07.02.2025 (P-1), under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS'); [Section 29 of the NDPS added later on], registered at Police Station Munak Karnal, District Karnal.

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(2) Reply by way of an affidavit dated 22.05.2025 of Sh. Manoj Kumar, DSP, Gharaunda, along with Annexures R-1 & R-2, has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(3) Allegations are that co-accused Gurpreet Singh @ Preet was found in possession of 487 grams of *Opium* (non-commercial in nature) without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

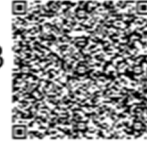
(4) Learned Counsel contends except from disclosure of co-accused from whom recovery of 487 grams of *Opium* has been effected, there is no material with the police regarding the complicity of petitioner. Further contends that petitioner is not involved in any other criminal case. Also contends that petitioner was granted interim protection by the Coordinate Bench, vide order dated 19.02.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from S.I. Jaipal Singh, is not able to dispute the above factual position.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) It transpires that petitioner was granted interim protection by the Coordinate Bench, vide order dated 19.02.2025 and the same reads as under:-

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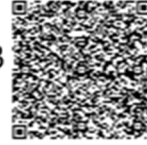
“Prayer is for grant of anticipatory bail to the petitioner under Section 482 of BNSS, 2023 in criminal case having FIR No.41 dated 07.02.2025 registered under Section 18 of NDPS Act (Section 29 of NDPS Act added during investigation) at Police Station Munak Karnal, District Karnal.

Counsel for the petitioner inter alia submits that the petitioner, who was not named in the FIR was later on nominated as an accused on the basis of disclosure statement suffered by co-accused Gurpreet Singh @ Preet from whom police stated to have recovered 487 grams of opium. It is further submitted that the aforesaid disclosure statement, if any, suffered by co-accused against the present petitioner is inadmissible in evidence and otherwise also the rigors of Section 37 of NDPS Act are not attracted to the aforesaid recovery of contraband stated to be effected from co-accused. Counsel for the petitioner further submits that petitioner is having no criminal antecedents and is ready to join investigation with the police.

Notice of motion.

Mr. Arjun Lakhanpal, Addl.A.G., Haryana accepts notice on behalf of the State and submits that no doubt the petitioner was not named in the FIR but was later on impleaded as an accused on the basis of disclosure statement suffered by co-accused Gurpreet Singh @ Preet from whom police recovered 487 grams of opium. It is further submitted that the petitioner is required by the police for the purpose of proper investigation. However, the State counsel has not disputed the fact that petitioner is having no criminal antecedents and that the recovery effected from co-accused comes under non-commercial quantity.

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In view of the fact that the veracity and admissibility of the alleged disclosure statement suffered by co-accused against the present petitioner will be tested during trial and at present stringent provisions of Section 37 of NDPS Act are not attracted to the instant case of petitioner, who is not involved in any other criminal case, 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.

Now be listed on 26.05.2025.”

(8) 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.

(9) 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 19.02.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

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

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

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(12) 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.

26th May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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