

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-9733-2025
DECIDED ON : 21.04.2025

GANGA RAM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

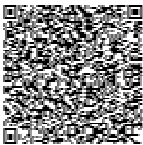
SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Ganga Ram, aged 39 years	8	10.01.2023	15 of NDPS Act, (29-61-85 of NDPS Act added later on)	Mullana	Ambala

2. On 20.02.2025, following order was passed:-

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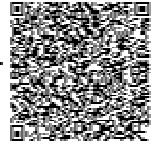


“Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

<i>Name of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Ganga Ram, aged 39 years</i>	<i>8</i>	<i>10.01.2023</i>	<i>15 of NDPS Act, (29-61-85 of NDPS Act added later on)</i>	<i>Mullana</i>	<i>Ambala</i>

2. Learned counsel for the petitioner, inter alia, contends as following:

- (i) From Main/co-accused Jaswinder Kumar, recovery of 25.700 kg of poppy-husk, while he was sitting on the driving seat of the truck bearing registration No.HR-58C-1414. The said truck is owned by one Madhu Setia Pani Lakesh Kumar, resident of H.No.45 B, Model Town, Jagadhari, Distt. Yamuna Nagar.*
- (ii) Petitioner is not named in the FIR, rather, his name surfaced subsequently only and that too through second disclosure statement.*
- (iii) Allegation against the petitioner is that he is supplier of the contraband to main accused – Jaswinder Kumar, whose name was disclosed in the secret information.*
- (iv) Had there been any substance in the allegation, which is developed subsequent to the registration of the FIR, there could be a clue in the secret information also, as to who is the supplier of the contraband to the co-accused Jaswinder Kumar.*



(v) *The quantity recovered, is intermediate and solely on the basis of disclosure statement or alleged call details, the allegations cannot be confirmed at this stage.*

(vi) *Petitioner is not involved in any other case of similar nature.*

Thus, learned counsel prays for grant of concession of anticipatory bail to the petitioner in the present case.

3. *Notice of motion.*

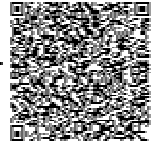
4. *On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and, in case of necessity, to file status report.*

5. *Adjourned to 21.04.2025.*

6. *In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*

7. *Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court. ”*

3. Learned counsel for the petitioner contends that in compliance of the order dated 20.02.2025, passed by this Court, the



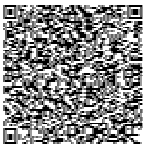
petitioner has joined the investigation and has fully co-operated. He further submits that for no meaningful purpose, custodial interrogation is required, therefore, prays for confirmation of the interim bail order dated 20.02.2025.

4. On the other hand, learned State counsel has filed status report dated 14.04.2025 along with Annexures R-1 to R-3 in the Court today and the same is taken on record. He, on instructions from ASI Pankaj, confirms the factum of joining of investigation by the petitioner and also accepts the submission that the petitioner has fully cooperated during the investigation. Further argues that though, petitioner has joined the investigation, but has not furnished the particulars of the main supplier, from whom he had received the contraband. However, confirms that petitioner is not involved in any other similar activity.

5. Heard learned counsel for the parties.

6. Considering the plea addressed from both sides, going through the petition and the status report, this Court finds that prosecution has to establish involvement of the petitioner through unimpeachable evidence during the course of trial. As of now, only on the basis of disclosure statement, the petitioner cannot be subjected to custodial interrogation for forcing him to disclose the name of the person, as desired by the prosecution agency. Accordingly, present petition is allowed and ad-interim order dated 20.02.2025, passed by this Court is hereby made absolute.

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However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

7. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 21, 2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No