



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-11008-2025
Date of decision: 05.04.2025

SAURABH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mohan Singh Chauhan Advocate
for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA. J.(Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case arising out of FIR No.0030 dated 27.01.2025 registered under Section 21 & 29 (added later on) of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Mahesh Nagar, District Ambala, Haryana.
2. Vide order dated 27.02.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 27.02.2025, passed by this Court, reads as under:

“Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case arising out of FIR No.0030 dated 27.01.2025 registered under Section 21 & 29 (added later on) of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Mahesh Nagar, District Ambala, Haryana.

The aforementioned FIR has been registered on the allegations that on 27.01.2025, a police party headed by ASI, Satyawan Singh who had received a secret information that the accused Mikil Jain was engaged in the business of manufacturing and selling of drugs and at that particular movement, he would be coming on an activa vehicle and was going towards cremation ground to sell



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drugs to one of his customers near the cremation ground and he could be apprehended, if raid was immediately conducted and he was having huge quantity of contraband with him. Believing the information to be true, the police party immediately rushed towards informed place and apprehended Mikil Jain. On conducting his search, 12.35 grams of smack was recovered from his trouser. On interrogation, he disclosed about the complicity of the present petitioner and on the basis of the same, the present petitioner has been nominated as an accused. Investigation against him is underway. Apprehending his arrest, the petitioner moved application for grant of pre-arrest bail which had been dismissed by learned Additional Sessions Judge, Ambala on 10.02.2025.

It is inter alia contended by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required.

Notice of motion.

Learned State counsel who has advance notice of the petition submits that there are call details between the present petitioner and the co-accused Mikil Jain showing his complicity in the matter and that he has criminal antecedents.

Adjourned to 05.04.2025.

In the meantime, the petitioner 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 interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

Reply, if any, be filed on behalf of respondent-State on the next date of hearing.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 04.03.2025 but his custodial interrogation is required for the purpose of eliciting information about the source of supply of the contraband.

4. This Court cannot treat the behavior attributed to the petitioner to be instance of non-cooperation, justifying denial for pre-arrest bail since, an accused,



while joining investigation, is not expected to make self incriminating statement under the threat that the State may seek withdrawal of the interim protection granted to him. In the considered opinion of this Court, the pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 27.02.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

05.04.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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