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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11968-2025
Decided on : 11.03.2025

Rohit Bhardwaj alias Rohit alias Lotta
... Petitioner(s)

Versus

State of Punjab
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Manjinder Singh Saini, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the present anticipatory bail petition, on 03.03.2025, following order was passed:-

“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 & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Rohit Bhardwaj @ Rohit @ Lotta, aged about 24 years	09	30.01.2025	21/29 of NDPS Act	Chabbewal	Hoshiarpur

2. Learned counsel for the petitioner inter alia contends, that the recovery in the present case was made from the main accused, namely, Viren Rai and Pankaj Puri, with 21 grams of intoxicant powder (heroin), which is considered non-commercial in nature. Subsequently, based on the disclosure statements of the aforementioned accused, another individual, namely, Rajesh Kumar, was implicated. Thereupon, from Rajesh Kumar's disclosure statement, Gurpreet Singh was also identified as an accused, from whose custody, 121 grams of intoxicant powder was recovered.

During the course of the investigation, another disclosure statement was recorded from the accused, namely, Gurpreet Singh, from where the agency acknowledged one whatsapp number, which was found to be of Arjun and Maninder. Further, based upon the disclosure statement of said Maninder, name of the petitioner emerged in the present case.

3. Counsel for the petitioner further submits that, except for one case under the NDPS Act, no other cases have been registered against the petitioner. In that particular case, the petitioner has already been released on bail after a period of two years, and no final decision has yet been made in the matter. There are also five other cases registered against



the petitioner, which include charges under Sections 307 and 392 of the Indian Penal Code (IPC).

Counsel for the petitioner also submits that, since the petitioner was already known to the police officials, after being released on bail, he has been falsely implicated in the present case, that too, only on the basis of the disclosure statement, which is an inadmissible evidence, as per law.

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

4. *Notice of motion.*

5. *On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

6. *Adjourned to 11.03.2025.”*

2. Today, learned State counsel has filed the status report dated 10.03.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

3. Counsel for the petitioner submits that apart from the disclosure statement of the co-accused, Maninder Kumar @ Rimpay, who was using WhatsApp No. +1(530)415-6177, there is no other evidence collected by the prosecution so far, to establish the allegations against the petitioner.

Broadly, the prosecution's case is that petitioner Rohit Bhardwaj @ Rohit @ Lotta had instructed Maninder Kumar @ Rimpay (co-accused) to contact all the customers on his WhatsApp number so that the required drugs could be supplied to them.

However, status report does not clarify, based on the investigation or interrogation of Maninder Kumar @ Rimpay, how many other persons received drugs or heroin through the said WhatsApp number at the instance of the petitioner. Neither any such statement had been recorded, nor any connecting evidence has been made basis of proving all the allegations. This aspect is completely missing from the status report as well.

Therefore, counsel submits that the petitioner deserves the concession of anticipatory bail. Moreover, the petitioner expresses his willingness to join the investigation as and when required by the Investigating Agency.

4. On the other hand, learned State counsel opposes the prayer



made in the present petition. However, he does not dispute the submissions addressed by learned counsel for the petitioner.

5. I have considered the submissions and gone through the record available before the Court.

6. Considering the submissions addressed and the facts recorded here-above, this Courts deems it proper to extend the concession of anticipatory bail to the petitioner. Thus, petitioner is directed to join the investigation within a period of two weeks from today, or 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.

7. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

8. Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

March 11, 2025

J.Ram

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