



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
213 CRM-M-13123-2025
Date of decision: 17th July, 2025

Ubais Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Davneet Sangwan, Advocate for the petitioner.
Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), the petitioner seeks
anticipatory bail in case FIR No. 840 dated 08.10.2022 registered under
Sections 21-B and 29 of Narcotic Drugs and Psychotropic Substance Act,
1985 (for short 'NDPS') at Police Station City Yamuna Nagar, District
Yamuna Nagar.

2. Vide order dated 30.04.2025 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation.

3. Learned State counsel filed status report dated 22.04.2025. The
same is taken on record. She further, on instructions, states that the petitioner
again joined the investigation on 05.05.2025. However, it is, submitted that he
has not co-operated with the Investigating Officer as he is not disclosing the
names, addresses and particulars of the persons involved in the subject
offences, who had applied heroin to him. He has also not got his mobile and
the amount illegally earned by sale of heroin recovered. His custodial
interrogation is required. Therefore, it is urged that the petition does not
deserve to be allowed.



4. The petitioner joined investigation on 05.05.2025.. So far as the non recovery is concerned, mere non recovery cannot by itself be a ground for denial of bail as has also been observed by the Delhi High Court in case titled as '*Jagdish Thakkar vs. State of Delhi*', 1992 (3) CCR 2764' and in case titled as '*Pooran Singh vs. State of Delhi*', 2022(1) RCR (Criminal) 503. With regard to contention that the petitioner has not co-operated with the investigation, it may be stated that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of 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. So far as, non recovery is concerned, that cannot be considered as ground for denial of bail to the petitioner. In the considered opinion of this Court, the pretrial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 23.06.2025 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

5. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

6. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th July, 2025

Parveen Sharma

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