



212 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-20561-2025 (O&M)
Date of Decision: 23.05.2025

MARFOT SHEIKH ALIAS MARU

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manish Dhankhar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.244 dated 14.09.2024 under Sections 21(c), 20(b)(ii)(a) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sector 53, Gurugram.

2. On 28.04.2025, following order was passed:

"Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.244 dated 14.09.2024 under Sections 21(c), 20(b)(ii)(a) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sector 53, Gurugram.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. The petitioner is neither named in the FIR (supra) nor his name surfaced in the disclosure statement of co-accused recorded during his custodial interrogation. Thereafter, on the basis of call details, the petitioner has been nominated as accused in the FIR (supra). There is nothing on record to prove recovery of alleged contraband from conscious and exclusive possession of the petitioner. The petitioner is having clean antecedents and he is not involved in any other case.

Notice of motion for 23.05.2025.



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*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from ASI Devender Singh, submits that in compliance of order dated 28.04.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 28.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.
5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.05.2025
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No