



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

223

CRM-M-20592-2025

Date of Decision: 19.05.2025

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE MANISHA BATRA

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Ms. Himani Arora, A.A.G, Punjab.

MANISHA BATRA, J. (ORAL)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner in case FIR No.0029 dated 20.03.2025, under Sections 15(b) of NDPS Act 1985 and Section 29 of NDPS Act 1985 (added later on), registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Vide order dated 21.04.2025, passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Status report dated 15.05.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 30.04.2025. Though it is submitted by learned State counsel that the vehicle



used in occurrence had not been recovered from the petitioner, however the same cannot be considered to be a ground for benefit of bail to the petitioners. Therefore, it is urged that his custodial interrogation is required for thorough investigation.

5. 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. 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 pre trial incarceration of the petitioner is not required. Accordingly, the present petition is allowed and the order dated 21.04.2025, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

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

(MANISHA BATRA)
JUDGE

May 19, 2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No