

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

211

CRM-M-23704-2025  
Date of decision: 27.05.2025

AVINASH ....Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Harshit Ahuja, Advocate  
for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G., Haryana.

SANJAY VASHISTH. J.(Oral)

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 of Petitioner (s) | FIR No. | Date       | Section(s)           | Police Station | District  |
|------------------------|---------|------------|----------------------|----------------|-----------|
| Avinash                | 536     | 26.11.2024 | 20(A), 27(A) of NDPS | City Fatehabad | Fatehabad |

2. On 02.05.2025, following order was passed:-

- “1. Petitioner has filed the present petition under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.536 dated 26.11.2024, under Sections 20(A), 27(A) of NDPS, Act, 1985, registered at Police Station City Fatehabab, District Fatehabad.*
- 2. Learned counsel for the petitioner contends that 800 grams of Ganja was recovered from the main accused, namely Sumit. It is only after the arrest of the main accused and registration of the FIR that a disclosure statement was recorded, in which the name of the*



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*petitioner allegedly emerged as the supplier of Ganja to the main accused, Sumit.*

*3. Learned counsel for the petitioner submits that the petitioner has been implicated solely on the basis of the disclosure statement made by the co-accused, without there being any independent or legally admissible evidence to connect the petitioner with the alleged offence. It is contended that, in the absence of corroborative material, such a disclosure statement is inadmissible in evidence and cannot form the sole basis for prosecution. Therefore, the chances of the prosecution in succeeding or establishing the allegations against the petitioner are extremely remote, thus, prays for grant of concession of anticipatory bail to the petitioner in the present case, as he is ready to join the investigation as and when called by the investigating agency.*

*4. Notice of motion. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State and submits that the petitioner is involved in six other criminal cases, including one under Section 302 of the IPC and another under the NDPS Act.*

*5. List on 19.05.2025*

*6. Let a status report be filed, specifically detailing the evidence, if any, that connects the petitioner to the alleged offence beyond the disclosure statement, and indicating any material showing the petitioner's direct involvement.”*

3. Status report dated 17.05.2025 by way of an affidavit of Jaipal Singh, HPS, Deputy Superintendent of Police (City), Fatehabad, District Fatehabad (Haryana) has been filed on behalf of respondent-State. The same is taken on record.

4. There is nothing in the said status report to suggest that, apart from the disclosure statement, any corroborating evidence has been found against the petitioner to establish his involvement beyond doubt.

5. Moreover, whether the petitioner is actually involved in the incident as the supplier of the alleged ganja to the apprehended accused-Sumit, will be determined by the Court after considering the complete set of evidence during the course of the trial.

5. In view of the circumstances recorded hereinabove, this Court deem it appropriate to consider the plea of petitioner for the grant of anticipatory bail.

6. Present petition is allowed and the petitioner is directed to join the investigation within a period of two weeks from today. 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 (earlier Section 438(2) Cr.P.C.).

7. However, in case the petitioner did not join the investigation with the stipulated time-frame, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of his bail, as granted by this Court.

27.05.2025

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(SANJAY VASHISTH)

JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No