



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24594-2025
DECIDED ON: 07.05.2025

NAVEEN ALIAS BANTU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Himani Anand, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS for grant of concession of Anticipatory Bail to the petitioner in case arising out of FIR No. 508 dated 29.09.2020 under section 18 of NDPS Act, 1985 [sections 27-A and 29 added later on], registered at Police Station Thanesar Sadar, District Kurukshetra, Haryana (Annexure P-1);

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of complaint is attached. To SHO PS Thanesar Sadar. Jai Hind. Today I ASI along with HC Praveen Kumar no. 736, HC Jabir Singh no. 1130, Constable Jitender Singh no. 122 on official vehicle no. HR07-W3303 driven by HC Karanbir no. 498 started from Anti Narcotic Cell towards GT Road Pipli, have reached Umri Village via Umri Chowk on patrolling duty when secret informer met me ASI and gave secret information that Karnail Singh son of Naurati Ram

resident of Village Chandrao District Karnal and Ajay son of Chaman Lal resident of Village Gurha District Karnal do the work of selling opium and today also they will be coming from Indri to Kurukshetra for selling opium on their motorcycle no. HR75 C 5164 make Super Splendor. If nakabandi is done the route from Umri towards Indri then Karnail Singh and Ajay Kumar and their motorcycle can be apprehended and upon checking their motorcycle huge quantity of opium can be recovered from them. That the secret information is believable and from a reliable source. On which notice under section 42 NDPS Act was prepared and 2 copies were sent to Sh. Ravinder Kumar, H.P.S. DSP Kurukshetra for information through Constable Jitender Kumar no. 122. Offence under section 18-61-65 of the NDPS Act is made out from the secret information. Upon which written information against Karnail Singh and Ajay Kumar is being sent for registration of FIR through EHC Karambir no. 498 to PS Thanesar Sadar. After registration of FIR, FIR no. be intimated and special report of the case be sent to the higher officials. For the further investigation in the case, any other IO be sent to the spot. I ASI informed the fellow officers about the secret information and I along with the fellow officers and the official vehicle are present at Indri Kurukshetra Road near Village Umri for supervision. Today: Near Village Umri Indri Road, Kurukshetra. Sd/- Suresh Kumar ASI Anti Narcotic Cell Kurukshetra dated 29.09.2020 at 01:45. Today PS: FIR no. 508 dated 29.09.2020 under section 18-61-65 NDPS Act registered at PS Sadar Thanesar upon receiving the above information through EHC Karambir no. 498, computerized copies of the FIR and special report were prepared and sent to District Court Kurukshetra, Ld. Duty Magistrate Kurukshetra, Ld. Ilaqa Magistrate Kurukshetra, SP and DSp Kurukshetra-3 through email. Copy of the police copy along with the original written information is being sent to the spot through EHC for investigation. Entry made in the records as per procedure. SI Balbir Singh 97 is being sent at the spot as the second IO. This FIR has been

registered in the presence of SI Ramesh Chand no. 708. I/O is SI Balbir Singh 97 ANC Kurukshetra. Note: CCTNS of the present PS has been sent to the lab and due to the slow working of VPN, FIR has been registered late.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was not named in the instant FIR but was subsequently roped in only on the basis of disclosure statement of co-accused Shamsher. He further contends that the alleged contraband i.e. 100 grams of opium was recovered from co-accused Karnail Singh and Ajay Kumar, who have already been granted the concession of bail by this Court or by the trial Court vide orders dated 02.03.2021 (Annexure P-5) and 30.10.2020 (Annexure P-6) respectively. It has been further contended that there is no incriminating material putforth by the prosecution to connect the petitioner with the alleged commissioning of the offence.

The petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State, who does not controvert the abovesaid fact. However, he prays for dismissal of the instant petition on the ground that as per the disclosure statement of co-accused Shamsher, the present petitioner was the supplier of the said contraband.

4. **Analysis**

Be that as it may, considering the facts that the petitioner was not named in the instant FIR but was subsequently roped in only on the basis of disclosure statement of co-accused Shamsheer; co-accused Karnail Singh and Ajay Kumar have already been granted the concession of bail by this Court or by the trial Court vide orders dated 02.03.2021 (Annexure P-5) and 30.10.2020 (Annexure P-6) respectively, from whom the alleged recovery was effected; Admittedly, there is no incriminating material put forth by the prosecution to connect the petitioner with the alleged commissioning of the offence added with the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer concerned.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

07.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No