

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-26494-2025
Date of decision: 04.08.2025

MAHAVIR SINGH BHATIPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Kunwar Rajan, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

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 & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Mahavir Singh Bhati, aged about 58 years	22	27.03.2025	18-C/ 29/61/85 of NDPS Act	Sadar Malout	Sri Muktsar Sahib

2. On 15.05.2025, following order was passed:-

“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 & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Mahavir Singh Bhati, aged	22	27.03.2025	18-C/ 29/61/85 of NDPS Act	Sadar Malout	Sri Muktsar Sahib

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2.

Learned counsel for the petitioner, inter alia, contends that on the date of registration of the FIR, i.e., 27.03.2025, prosecution has shown recovery of opium weighing 2.156 kilograms from the co-accused, Harpal. It is only subsequently, on 30.03.2025, that a disclosure statement is stated to have been recorded from the already arrested accused Harpal, in which the name of the present petitioner has allegedly surfaced.

As per the contents of the said disclosure statement, it is alleged that petitioner had supplied the recovered opium to Harpal on 25.03.2025. However, to substantiate the said disclosure statement, no other connecting or substantial evidence has been collected by the Investigating Officer, so far.
3.

Counsel for the petitioner also submits that petitioner is of the age of about 58 years, and is never shown to be involved in any other similar activity. Thus, reliance placed by the prosecution on such a weak evidence cannot be made basis for holding the petitioner guilty, because such a disclosure statement of the co-accused bears no qualified standard. Moreover, petitioner is ready to join the investigation, in case, he is protected from arrest by this Court. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.
4.

Notice of motion.
5.

On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report.
6.

Adjourned to 04.08.2025.
7.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. 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.).
8.

Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he

does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.”

- 3. Learned counsel for the petitioner contends that in compliance of the order dated 15.05.2025, passed by this Court, the petitioner has joined the investigation, and has fully co-operated.
 - 4. Learned State counsel on instructions from the official respondent, confirms the said averment and submits that the custodial interrogation of the petitioner would not be required now for the purpose of investigation.
 - 5. Heard learned counsel for the parties.
 - 6. Since the petitioner has joined the investigation, custodial interrogation is no more required, present petition is allowed and ad-interim order dated 15.05.2025, passed by this Court is hereby made absolute.
- However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.
- 7. Accordingly, petition stands disposed of.

04.08.2025			(SANJAY VASHISTH)
amandeep			JUDGE
	Whether speaking/reasoned.	:	Yes/No
	Whether Reportable.	:	Yes/No