



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

210

CRM-M-30307-2025  
Date of decision: 12.08.2025

AMIT ....Petitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : None for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, 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<br>Petitioner<br>(s) | FIR No. | Date       | Section(s)                                                                | Police<br>Station | District |
|------------------------------|---------|------------|---------------------------------------------------------------------------|-------------------|----------|
| Amit                         | 168     | 27.02.2025 | 20(b)(ii)A<br>of NDPS<br>Act and<br>Section 42<br>of Prisons<br>act, 1894 | Azad Nagar        | Hisar    |

2. On 28.05.2025, 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 of<br>Petitioner<br>(s) | FIR No. | Date       | Section(s)                                                             | Police<br>Station | District |
|------------------------------|---------|------------|------------------------------------------------------------------------|-------------------|----------|
| Amit                         | 168     | 27.02.2025 | 20(b)(ii)A of<br>NDPS Act and<br>Section 42 of<br>Prisons act,<br>1894 | Azad<br>Nagar     | Hisar    |

2. *Learned counsel for the petitioner inter alia contends that 26.87 grams of Sulpha was allegedly recovered from the possession of the co-accused, namely Sandeep, during a search of the footwear worn by him. This recovery was made while he was present at the jail gate in the process of being taken inside the jail. Subsequently, based on Sandeep’s disclosure statement, petitioner’s name was implicated in the FIR, with the allegation that he had supplied the said contraband to the co-accused. As a result, Section 29 of the NDPS Act was invoked against the petitioner.*

*Counsel further submits that the petitioner’s name is not mentioned in the FIR, and had there been any truth to the allegations, the co-accused, who was already in custody, would have disclosed the petitioner’s identity and the source of the contraband at that time itself.*

*It is further contended that the petitioner has been falsely implicated at a later stage solely because he is known to the police personnel. Reliance placed by the prosecution solely on the disclosure statement of the co-accused is not sufficient to sustain a conviction, as such a statement, in the absence of independent corroboration, is considered weak and inadmissible in the eyes of law.*

*Accordingly, learned counsel prays for the grant of anticipatory bail to the petitioner, who is ready and willing to join the investigation as and when required by the investigating agency.*

3. *Notice of motion.*

*On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana puts in appearance on behalf of the respondent – State.*

4. *Adjourned to 12.08.2025.*

5. *In the meanwhile, the petitioner is directed to join the*



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*investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on 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.).*

6. *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. Status report dated 06.08.2025 by way of an affidavit of Kamaljeet Singh, HPS, Deputy Superintendent of Police, H.Q., Hisar has been filed on behalf of respondent-State. The same is taken on record.

4. Learned State counsel on instructions from the official respondent confirms the said averment made by counsel for the petitioner of joining the investigation on 24.06.2025 by the petitioner, and submits that as of now, custodial interrogation of the petitioner is not required for the purpose of investigation.

He further submits that as per para 13 of the said status report, petitioner is not possessing any passport and in this regard he has already submitted an affidavit dated 31.07.2025 before the concerned Investigating Officer.

5. Heard learned counsel for the parties.

6. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 28.05.2025, passed



by this Court is hereby made absolute. Accordingly, present petition is allowed.

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.

12.08.2025  
amandeep

(SANJAY VASHISTH)  
JUDGE

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |