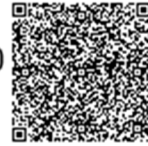


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

214

CRM-M-32010-2025 (O&M)
Date of decision: 28.08.2025

Vivek Kumar**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jarnail Singh Saneta, Advocate
for the petitioner.

Mr. Apoorv Garg, Addl. A.G., Haryana.

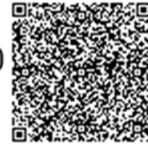
MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), the petitioner seeks anticipatory bail in case FIR No. 64, dated 22.03.2025, registered under Sections 18 and 29 of the NDPS Act, 1985 at Police Station Sector 20, Panchkula.

2. Vide order dated 10.06.2025, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. The operative part of the order dated 10.06.2025, passed by this Court, reads as under:

“The case of the prosecution is that 28.24 grams of opium was recovered from a Courier Company which was dispatched to one Ashutosh and the mobile number written on the parcel was found to be in the name of one Manjeet Singh. Thereafter, Manjeet Singh joined the investigation

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and disclosed the name of one Sourabh who further disclosed the name of one Amandeep. Subsequently, the said Amandeep named the present petitioner.

Learned counsel for the petitioner contends that the petitioner is not involved in any other case.

Notice of motion for 28.08.2025.

Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of the respondent-State and seeks time to file reply. He also does not refute the fact that the petitioner is not involved in any other case.

State is directed to file reply before the next date of hearing with a copy in advance to the learned counsel opposite.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer as and when called upon to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave India without the prior permission of the Court; iv)*

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

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that although the petitioner has joined investigation on 19.06.2025 but he has not cooperated in the investigation.
4. Keeping in view the above mentioned facts and circumstances and also that the behavior attributed to the petitioner cannot be considered as an instance of non-cooperation, justifying denial for grant of 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, the present petition is allowed and the order dated 10.06.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of BNSS.
5. However, it is clarified that the observations made herein above are only for the purposes of deciding the present petition and the same shall not be construed as expression of opinion on the merits of the case.

28.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No