

226

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32269-2025
Decided on:23.06.2025

SUDESH

Versus

.....Petitioner

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, 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
Sudesh	129	10.05.2025	21(b)-61-85 of NDPS Act	City Narwana	Jind

2. Learned counsel for the petitioner submits that, as per the prosecution's case, a recovery of **11.15 grams of Heroin** was effected from co-accused namely, **Amar**. The name of petitioner surfaced only on the basis of the disclosure statement made by the said arrested co-accused. It is submitted that no other **independent or corroborative evidence** has been collected by the investigating agency to substantiate the allegations against the petitioner. It is further submitted that the petitioner has **no previous criminal antecedents**, is a law-abiding citizen, and is **not likely to abscond or tamper with evidence**. The



CRM-M-32269-2025

2

petitioner expresses willingness to **cooperate fully with the investigation** and undertakes to appear before the Investigating Officer as and when directed, thus, prays for grant of anticipatory bail.

3. Learned State counsel has filed reply by way of affidavit of Amit Bhatia, Deputy Superintendent of Police, Narwana, District Jind, on behalf of respondent/State. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper-book.

4. This Court has carefully considered the submissions made by both sides. A perusal of the record reveals that the **sole basis** for the petitioner's implication at this stage is the **disclosure statement of the co-accused**, which by itself is not substantive evidence as per the settled position of law. It is well settled law that a co-accused's disclosure statement in the absence of independent corroboration, cannot form the sole basis for arrest or conviction. Moreover, no recovery has been effected from the petitioner. There is **no material on record** to show any direct involvement of the petitioner in the alleged offence. The petitioner's custodial interrogation does not appear to be necessary at this stage, and his arrest would serve no useful purpose.

In view of the above and considering the stage of investigation, this Court finds it appropriate to allow the present petition. Accordingly, the **prayer for anticipatory bail is accepted**.

5. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and shall abide by all the terms and conditions laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

**CRM-M-32269-2025****3**

It is further clarified that in the event the petitioner fails to join or rejoin the investigation despite service of due notice by the Investigating Officer, it shall be open to the prosecution to seek cancellation of the anticipatory bail.

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 do not possess any passport.

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

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

June 23, 2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**