

2025.PHHC.011707



217 (2nd case)

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

**CRM-M-40003-2024 (O&M)
Date of decision: 27.01.2025**

Raj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Shaveta Sanghi, Advocate (through V.C.)
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) for grant of pre-arrest bail to the petitioner in FIR No.147 dated 02.07.2019 (P-1), under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS'*), registered at Police Station Kalanwali, District Sirsa.

(2) Learned Counsel contends that petitioner was granted interim bail by this Bench, vide order dated 20.08.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

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- (3) The above factual position is not disputed by learned State Counsel, on instructions from ASI Pappu Ram.
- (4) Heard learned Counsel for the parties and perused the paper-book.
- (5) It transpires that petitioner was granted interim bail by this Court, vide order dated 20.08.2024 and the order reads as under:-

“Contends that FIR in question was lodged way back on 02.07.2019 and trial is going on before learned Special Court. Also contends that out of total 17 PWs, 04 have already been examined and petitioner was never made aware about any disclosure implicating him in the present case; but now after a period of 05 years, he is facing apprehension of arrest by the police.

Notice of motion.

Mr. Kiran Pal Singh, learned AAG, Haryana, accepts notice on behalf of the respondent-State; seeks time to have instructions and/or file written response in the matter.

Posted for 29.08.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

To be heard alongwith CRM-M-16619-2024 on the date already fixed i.e. 29.08.2024.”

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(6) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(7) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 20.08.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(10) It is also clarified that in case of any recurrence on the part of petitioners, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

27th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No