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

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CRM-M-37778-2025 (O&M)

Date of decision: 29.08.2025

Kuldeep Kumar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Deepti Rampal, Advocate
for the petitioner.

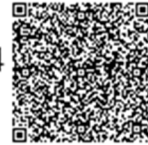
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No. 0037 dated 18.03.2025, registered under Sections 21(b), 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No. 2, District Pathankot.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 18.03.2025, co-accused Sahil Saxena @ Sahil was apprehended by a police party and recovery of 11 grams of heroin was effected from him. Upon interrogation, he disclosed that the recovered contraband was purchased by him from one Gagan Bajaj @ Ganu. He also disclosed that he used to purchase the said contraband from the petitioner and some other persons as well and used to sell the same to different persons. On the basis of the same, the present petitioner has also been nominated in this

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case as an accused. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Pathankot but the same had been dismissed, vide order dated 11.07.2025.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was neither named in the FIR nor was found present at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. He is not involved in any other case. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail as his custodial interrogation is required. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case based on the disclosure made by aforesaid co-accused. The allegations against him are that he used to supply contraband to the co-accused. The petitioner has clean

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antecedents and is not involved in any other case. The quantity of the recovered contraband also does not fall under commercial quantity. It is a question of debate as to whether the petitioner was involved in sale/purchase of contraband or not? In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

29.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No