



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

113

CRM-M-38389-2025

Date of decision: 21.07.2025

MALAK RAM

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anuj Balam, Advocate
for the petitioner.

Mr. Sushil Bhardwaj, Addl. AG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)**1. Prayer**

This petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.03 dated 05.01.2025 under Sections 21(b) and 29 of NDPS Act, registered at Police Station Guhla, District Kaithal.

2. Contentions**On behalf of the petitioner**

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that on 05.01.2025, on receiving of secret information, police officials apprehended one Beero Devi in conscious possession of 11.61 grams of Heroin and the petitioner has been named in the instant FIR only on the basis of disclosure statement made by Beero Devi. It is also contended that no recovery has been effected from the petitioner. He further contends that



the main accused Beero Devi has already been granted concession of regular bail by Sessions Judge vide order dated 03.03.2025.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

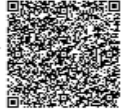
Notice of motion.

On behalf of the State

Mr. Jastej Singh, Addl. AG, Punjab appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner has actively participated in incident as the main accused Beero Devi has disclosed that the name of the petitioner in her statement.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties it is found that no recovery has been effected from the petitioner; the said contraband is of non-commercial quantity; the name of the petitioner was nominated in the instant FIR on the basis of disclosure statement of co-accused, namely, Beero Devi and State has failed to make out the case against the petitioner as to why his custodial interrogation is required and the name of the petitioner is disclosed. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



4. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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 from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

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

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

21.07.2025

Nisha Yadav

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No