

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:124087



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CRM-M-40215-2025 (O&M)
Date of decision:09.09.2025

Joginder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arshpreet Khadial, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.0077 dated 15.06.2025, registered under Section 22(b) of the NDPS Act (offence under Section 29 of the NDPS Act was added subsequently), at Police Station Kotbhai, District Sri Muktsar Sahib.

2. As per the allegations, on 15.06.2025, on the basis of suspicion, accused Raj Kumar @ Manak was apprehended from the area of village Sukhna Ablu and recovery of a black polythene containing 12 strips of intoxicant tablets brand NRx Alprazolam IP 0.5 mg and Acticalm 0.5 i.e. Total 120 tablets was effected from him. On interrogation, he suffered disclosure statement to the effect that those tablets were sold to him by the present petitioner. He was nominated as such. Offence under Section 29 of

the NDPS Act was added. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Sri Muktsar Sahib vide order dated 11.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. Recovery already stands effected from the co-accused and no recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. It is, therefore, urged that he deserves to be extended the benefit of bail.

4. Status report has been filed. It is argued by learned State counsel that the petitioner is a habitual offender as 04 other criminal cases, two of which are under the provisions of NDPS Act are pending as against him. His custodial interrogation is required for conducting thorough investigation and to elicit information about the links of the petitioner in supply chain of drugs and intoxicating tablets. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6 The petitioner is alleged to have supplied intoxicating tablets containing Alprazolam to the co-accused. The recovery of the contraband has already been made from the co-accused, and the same falls under the category of non-commercial quantity. The petitioner has been implicated primarily on the basis of the disclosure statement of the co-accused, which

by itself, is a weak piece of evidence at the stage of bail. There is no direct or independent evidence to link the petitioner to the recovered contraband at this stage. The petitioner has expressed willingness to join and cooperate in the investigation.

7. In view of the above discussed facts and circumstances, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrender before the Investigating Officer within a period of fifteen days from the date of passing of this order and on his surrender within that period, he shall be released on bail by the learned trial Court on furnishing bonds to its satisfaction and the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.

(ii) he 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) he shall not commit any similar offence while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petition has already been allowed, pending application(s), if any, shall also stand disposed of.

09.09.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No