

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

2025:PHHC:133472



214

CRM-M-48722-2025 (O&M)

Date of Decision: 24.09.2025.

Kulwant

...Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.321 dated 15.10.2024, under Sections 18(b), 29/61/85 of NDPS Act, registered at Police Station Sadar Tohana, District Fatehabad.

As per prosecution case, co-accused Kohinoor @ Anup was found in possession of 7 killo 12 grams of opium and the petitioner was nominated as an accused in the present case on the basis of disclosure statement of the co-accused.

Learned counsel for the petitioner contended that no recovery had been effected from the petitioner and he is not connected with the offence in the present case. The petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused, which is not admissible in law. The petitioner is handicapped person with 90%

disability. He prayed that custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

Learned State counsel has opposed the petition and submitted that the petitioner is actively involved in the alleged offence. He has been specifically named in the disclosure statement of co-accused and as such he is not entitled to the concession of bail.

Heard.

As per the allegations, the name of the petitioner surfaced in the present case, only on the basis of disclosure statement of co-accused. Except the disclosure statement, there is no material on record to connect the petitioner with the offence in question. Recovery had already been effected in the present case and nothing is to be recovered from the petitioner. The custodial interrogation of the petitioner is not required for any purpose and no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations

recorded above are only for the purpose of deciding the present bail application.

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

(SUKHVINDER KAUR)
JUDGE

24.09.2025.

Komal

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