



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

225

CRM-M-50045-2025

Date of decision: 28th October, 2025

Jatinder Masih @ Bhoondi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chinku Bawa, Advocate with
Mr. HPS Ishar, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.137 dated 09.10.2024, registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*'), at Police Station Kot Ise Khan, District Moga.

2. Status report dated 27.10.2025 filed on behalf of the respondent-State is taken on record. Copy thereof, has been supplied to opposite counsel.

3. Vide order dated 08.09.2025 passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 20.10.2025. Learned State counsel has submitted that he has not cooperated in the investigation as he has not given information qua the source from which the contraband had been taken by him. and it is, therefore, urged by her that the custodial interrogation of the petitioner is required.

5. So far as the contention as raised by learned State counsel qua



allegation of non-cooperation is concerned, this Court does not find any compelling ground to justify custodial interrogation of the petitioner due to that reason. Since the well settled proposition of law is that once an accused joined the investigation, then only because of the reason that nothing incriminating could be discovered or no recovery was got effected from him, would not mean that there is non-cooperation on the part of the accused. Reliance in this context can be placed upon the observation as made in *Santosh versus State of Maharashtra (2017) 9 SCC 714* and *Jugraj Singh versus State of Punjab, SLP No.9190 of 2025*. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to compulsorily divulge self-incriminating information. In the instant case, the conduct of the petitioner in appearing before the Investigating Officer and responding to the investigation, satisfies the legal standard of cooperation. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration should not be a replica of post conviction. As such, a case is made out for allowing the present petition.

6. Accordingly, the present petition is allowed and the order dated 08.09.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

[MANISHA BATRA]
JUDGE

28th October, 2025
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |