

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

**CRM-M-53723-2024 (O&M)
Date of decision: 17.03.2025**

Sanju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. G.S.Sandhu, Advocate for the petitioner.

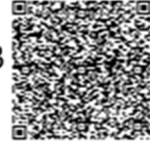
Mr. Neeraj Sheoran, DAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of pre-arrest bail to the petitioner in FIR No.0573 dated 14.09.2024 (P-1), under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Samalkha, District Panipat.

(2) Allegations are that co-accused Shubnarain & Mohit were found in possession of 1.930 Kgs. of *Charas* (commercial quantity) without any license and petitioner has been nominated on the basis of disclosure(s), made by aforesaid co-accused.

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(3) Learned Counsel contends that petitioner was granted interim protection by a Coordinate Bench, vide order dated 28.10.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

(4) The above factual position is not disputed by learned State Counsel, on instructions from S.I. Rajender Singh.

(5) Heard learned Counsel for the parties and perused the paper-book.

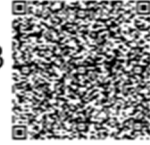
(6) It transpires that petitioner was granted interim protection by a Coordinate Bench, vide order dated 28.10.2024 and the order reads as under:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No. 0573, dated 14.09.2024, Police Station Samalkha, District Panipat, under Section 20 of NDPS Act.

As per the case of prosecution a secret information was received by the police to the effect that Shubnarain and Mohit indulged in drug trafficking and that even on the given day i.e. on 14.09.2024 they were proceeding from village Rakshera to Samalkha in a car bearing registration No.HR-42-G-0465. Pursuant to receipt of said information the police was able to intercept the car in question in which Shubnarain and Mohit were travelling and a polythene bag containing 1.930 Kgs of ‘Charas’ was recovered.

It is further the case of prosecution that Shubnarain suffered a disclosure statement that he had earlier met Kamleshwar @ Mukhiya who used to sell ‘Charas’ and that subsequently when a friend of Shubnarain namely Sanju asked Shubnarain to arrange 2 Kgs of ‘Charas’ for him then

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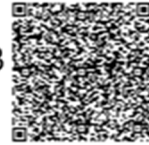
Shubnarain spoke to Kamleshwar for supplying the same and accordingly Sanju had paid an amount of Rs.30,000/- to Shubnarain, who further passed on the same to Kamleshwar and 2 Kgs of 'Charas' was given to Sanju. Shubnarain further disclosed that on 14.9.2024, Sanju came to him in a car bearing registration No. HR-42-G-0465 and stated that in case Shubnarain helped him in sale of 'Charas', he will pay an amount of Rs.5000/- to him and consequently Shubnarain, Mohit and Sanju proceeded in their car towards Samalkha, but while on the way Sanju alighted from the car while telling them that he would meet them at Samalkha. It is thus the case of prosecution that Sanju was instrumental in commission of the offence.

Learned counsel for the petitioner submits that it is a case where neither the petitioner was found at the spot accompanying the other accused nor is alleged to have sold any contraband and that an unbelievable story in the shape of disclosure statement of co-accused has been concocted by the police so as to falsely implicate accused Sanju who otherwise has a clean record.

Notice of motion for 17.03.2025.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C."

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(7) It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

(8) In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 28.10.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

(11) It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

17th March, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>