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211 (3rd case)

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

CRM-M-60778-2024 (O&M)
Date of decision: 20.01.2025

Sunil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Sanghi, Mr. Himanshu Garg &
Mr. Sandeep Vashisht, Advocates for the petitioner.

Mr. Ashok Kumar Sehrawat, 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.157 dated 25.04.2020, under Section 22 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985; Section 188 of the Indian Penal Code, 1860, registered at Police Station City Mandi Dabwali, District Sirsa.

(2) Learned Counsel contends that petitioner was granted interim bail by this Court, vide order dated 17.12.2024 and in pursuance thereof, he

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has already joined the investigation; hence, his custodial interrogation is not required.

(3) Learned State Counsel, on instructions from ASI Satnam Singh, acknowledged the above factual position and submits that custodial interrogation of the petitioner is not required at this stage.

(4) Status report by way of an affidavit dated 15.01.2025 of Sh. Ramesh Kumar, DSP, Dabwali, District Sirsa, along with Annexures R-1 to R-4, has been filed. The same is taken on record. Copy thereof supplied to the opposite side. Registry to tag the affidavit at appropriate place.

(5) For reference, para 8 of the aforesaid affidavit reads as under:-

“8. That That in compliance of order dated 17.12.2024, passed by this Hon'ble High Court in the present petition, petitioner/accused Sunil Kumar was joined in investigation of the case on 20.12.2024. During investigation petitioner/accused Sunil Kumar suffered disclosure statement admitting his involvement in the commission of crime and disclosed that co-accused Rajender Kumar @ Surender @ Chhinda and Rakesh Kumar @ Sunil have bought total 20,000/- tablets from him in TATA Canter No.HR-39T-2396 and Nagender Singh @ Babbu had given him Rs.80,000/- to him. As the petitioner/accused has cooperated in the investigation as such he is not required further for investigation of the case. Copy of disclosure statement of petitioner/accused is annexed herewith as Annexure R-4.”

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(6) Perusal of the above extract reveals that petitioner has cooperated during investigation and his custodial interrogation is not required.

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

(8) It is not in dispute that petitioner was granted interim bail by this Court, vide order dated 17.12.2024 and the order reads as under:-

“Learned State Counsel seeks more time in terms of order dated 04.12.2024.

It transpires that pre-arrest bail of the petitioner was declined by learned Additional Sessions Judge, Sirsa wayback on 13.05.2022; police did not make any effort to apprehend him and moreover, no other criminal case is stated to be pending against the petitioner.

In view of the above, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023

Posted for 20.01.2025.

To be heard along with CRM-M-27491-2024.”

(9) It is also not in dispute that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

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(10) 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 17.12.2024 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

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

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

(13) 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.

20th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No