

2025.PHHC:017934



223.

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

CRM-M-60959-2024

Date of decision: 06.02.2025

Dinesh Arora

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of pre-arrest bail, under Section 482 of BNSS, 2023, in case FIR No.557, dated 09.11.2024, under Sections 22, 29, 61 and 85 of NDPS Act, 1985, registered at Police Station Kurukshetra University, Kurukshetra.

On the last date of hearing i.e. 16.12.2024, while noticing the following submissions made by learned counsel for the petitioner, a coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner inter alia submits that allegedly, there was a recovery of 1700 intoxicant tablets (173.4 grams of alprazolam) from the co-accused Rakesh. The petitioner was nominated as an accused on the basis of disclosure statement of the co-accused Rakesh. He submits that the petitioner is a valid license holder as a distributor of drugs.”

Learned counsel for the petitioner submits that in compliance of order dated 16.12.2024, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation, however, he submits that the petitioner is not cooperating with the investigation as he has failed to disclose the source of the intoxicant tablets recovered from co-accused Rakesh and has also not handed over the bills of the contraband which he sold to co-accused Rakesh.

I have heard learned counsel for the parties and perused the relevant material on record.

The Hon'ble Supreme Court has consistently emphasized that courts must evaluate the bail applications of an accused strictly on their legal merits, uninfluenced by the arguments or financial interests of the complainant. The primary duty of the court while deciding a prayer for bail is to assess whether the statutory and legal criteria for granting bail are met. Furthermore, refusal by an accused to confess, disclose self-incriminating facts, or respond to queries by the Investigating Agency in a manner aligned with the expectations of the prosecution cannot, by itself, be construed as non-cooperation with the investigation. Instead, the courts must remain focused solely on applying the relevant legal principles in determining whether bail should be granted or denied. In the present case, once the petitioner has joined investigation merely because he has failed to

handover certain bills of the contraband which he allegedly sold to co-accused cannot be a ground to deny him bail.

In the facts and circumstances of the case, once the petitioner has joined investigation in compliance of order dated 16.12.2024, he cannot be denied the concession of anticipatory bail, by merely saying that he is not cooperating with the investigation.

Without commenting upon the merits of the case, the petition is allowed and interim order dated 16.12.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of BNSS, 2023.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 06, 2025
sanjeev

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