



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

**CRM-M-427-2025 (O&M)
Date of decision: 10.03.2025**

Neeraj Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sauhard Singh, 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.481 dated 08.12.2024 (P-1), under Sections 21B & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gandhi Nagar, District Yamunanagar.

(2) Learned Counsel contends that petitioner was granted interim protection by a Coordinate Bench, vide order dated 10.01.2025 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

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- (3) The above factual position is not disputed by learned State Counsel, on instructions from SI Satish Kumar.
- (4) Heard learned Counsel for the parties and perused the paper-book.
- (5) It transpires that petitioner was granted interim protection by a Coordinate Bench, vide order dated 10.01.2025 and the order reads as under:-

“Apprehending his arrest in FIR No. 481 dated 08.12.2024 registered for offences punishable under Sections 21B, 29 of NDPS Act at Police Station Gandhi Nagar, District Yamuna Nagar; the petitioner has preferred this petition under Section 482 of BNSS seeking pre-arrest bail.

Inter-alia contends that the petitioner is sought to be primarily implicated into the FIR in question on the basis of a disclosure statement made by co-accused from whom the alleged contraband (15 gms of heroin) has been recovered, the petitioner is involved in another NDPS FIR but has been extended the concession of anticipatory bail by this Court vide order dated 31.05.2023 passed in CRM-M-18400 of 2023 (copy whereof has been appended as Annexure P-2 with the instant petition) & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon’ble Supreme Court in ‘Vijay Singh versus The State of Haryana’ bearing Special Leave to Appeal (Crl.) No(s).1266/2023’, ‘State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr’ 2022(1) RCR (Criminal) 762, ‘Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592 and ‘Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu vs. State of Gujrat, Narcotics Control Bureau’ 2024 INSC 290.

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Notice of motion.

On asking of the Court, Ms. Ankita Ahuja, AAG, Haryana appears and accepts notice on behalf of the respondent-State.

Learned State counsel is at liberty to file a status report/ reply in the matter.

Adjourned to 05.02.2025.

The petitioner is directed to appear before the Investigating Officer on 15.01.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of BNSS, 2023.”

(6) 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.

(7) 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 10.01.2025 is made absolute subject to the conditions as envisaged under Section 482 (2) of the BNSS.

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

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

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(10) It is also clarified that in case of any recurrence on the part of petitioners, 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.

10th March, 2025
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(MAHABIR SINGH SINDHU)
JUDGE

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