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CRM-M-3684-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3684-2026
Date of decision: 24.03.2026

SAHIL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Mohan Singh Chauhan, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS"), the petitioner seeks anticipatory bail in case FIR No.05 dated 03.01.2026 under Sections 21 & 29 (added later on) of the NDPS Act registered at Police Station Ambala Cantt., District Ambala.

2. On 23.01.2026, following order had been passed: -

" The present petition has been filed under Section 482 BNSS, 2023 for the grant of anticipatory bail to the petitioner in case registered against him vide FIR No.05 dated 03.01.2026 under Sections 21 & 29 (added later on) NDPS Act at Police Station Ambala Cantt. District Ambala, Haryana.

*The learned counsel for the petitioner inter alia contends that the petitioner has been named in the disclosure statement of his co-accused. Other than that there is no corroborative additional evidence available against him. Reliance is placed on the order in '**Vijay Singh versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No(s).1266/2023 decided on 17.05.2023**', which is reproduced as under:-*



“The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act”. His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed. All pending applications are disposed of.”

Notice of motion.

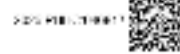
Mr. Viney Phogat, DAG, Haryana, present in the Court, accepts notice on behalf of the State.

Adjourned to 23.02.2026.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing.”



3. Learned counsel for the petitioner submits that in compliance of the order dated 23.01.2026 passed by a Co-ordinate Bench of this Court, the petitioner has joined the investigation. He has further argued that there is no connection between the petitioner and co-accused and the petitioner is sought to be implicated only on the basis of disclosure statement.

4. Learned counsel for the State, on instructions from ASI Satbir Singh, has submitted that the petitioner has joined the investigation and is no longer required for further investigation. He has further submitted that since the FIR in question is under the NDPS Act of 1985, the petitioner ought not to be extended the concession of anticipatory bail. However, he could not controvert the fact that except the disclosure statement of co-accused nothing is there to connect the petitioner with the recovered contraband.

5. On a specific query put by this Court to the learned State counsel as to whether, apart from the disclosure statement, any material has been found during investigation to connect the petitioner with the recovered contraband, to which learned State counsel submitted that no material other than disclosure statement has been found to connect the petitioner with either the offence or the recovered contraband.

6. I have heard learned counsel for the rival parties and perused the available record.

7. Further, the Hon'ble Supreme Court while dealing with a plea for grant of anticipatory bail in a case under NDPS Act, 1985; in a



judgment titled as '*Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s)1266/2023 decided on 17.05.2023*' has held as under:

"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed. All pending applications are disposed of."

8. In the present case also, the petitioner is sought to be arrayed solely on the basis of the disclosure statement of the co-accused. Suffice to say there is no other material available to connect the petitioner with the recovered contraband. The veracity of the disclosure statement made by the co-accused will be subject to comprehensive scrutiny during the course of the trial and the same cannot by itself be a ground to decline the concession of anticipatory bail to the petitioner, especially when she has joined the investigation in terms of interim order/protection granted by this Court.



9. In view of the above, the petition is allowed and the interim order dated 23.01.2026 passed by the co-ordinate bench of this Court is made absolute. The petitioner shall continue to join investigation as and when required by the Investigating Officer and shall also abide by the conditions as provided under Section 482(2) of the BNSS.

10. Needless to say anything observed herein above shall not be construed to be an opinion on the merits of the case.

24.03.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |