



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-12572-2026
Decided on : 23.04.2026

AMIT KUMAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Shivam Chaudhary, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

1. Petitioner-Amit Kumar has filed present petition, seeking regular bail in case FIR No.139 dated 09.05.2025, under Sections 22(c), 29, 61, 85 of NDPS Act and Section 238 of BNS (corresponding to section 201 IPC), registered at Police Station Bilaspur, Yamuna Nagar.

2. As per the version recorded in the FIR, secret information was received by the police team regarding the involvement of accused, namely: (i) Rajpal, (ii) Jaspal, and (iii) Amit (petitioner herein). It was reported that all three were travelling in a car bearing registration No.HR-71M-6442, a Maruti Swift, and could be apprehended together with the vehicle along with a huge quantity of narcotic capsules.

Subsequently, accused were apprehended; however, one of them, namely Rajpal, succeeded in fleeing from the spot. Remaining two



accused, Jaspal and Amit, were arrested at the scene. From the dashboard of the car, 1,150 loose capsules were recovered.

Although Jaspal and Amit (petitioner herein) were produced before the learned Magistrate and in the absence of the FSL report, both of them were released on bail.

3. Learned counsel for the petitioner submits that, after receipt of the FSL report, petitioner was arrested. However, anticipatory bail petition filed by co-accused namely Jaspal, i.e., CRM-M-33871-2025, was dismissed by the Co-ordinate Bench of this Court. Thereafter, he approached the Hon'ble Apex Court by way of filing Criminal Appeal No. 382 of 2026 arising out of SLP (Crl.) No. 15896 of 2025, wherein said interim anticipatory bail order dated 27.10.2025, was confirmed, vide order dated 21.01.2026.

The complete order dated 21.01.2026 passed by the Hon'ble Apex Court in the anticipatory bail petition filed by Jaspal reads as under:-

“1. Leave granted.

2. Heard learned counsel for the parties.

3. This appeal arises from an order dated 11.09.2025 passed by the High Court of Punjab and Haryana at Chandigarh rejecting the anticipatory appellant in connection with FIR No. 139/2025, registered at P.S. Bilaspur, District Yamuna Nagar.

4. After considering the submissions of learned counsel for the petitioner, on 27.10.2025, a detailed interim order was passed, which is reproduced below:



"1. At the outset, the learned counsel for the petitioner submits that this is a strange case where though recovery was shown from the vehicle in which the petitioner was at the driver seat, no arrest was effected at the time of alleged recovery. Arrest is sought to be effected after obtaining FSL report regarding the nature of the contraband seized. It has been submitted that in such circumstances, the process of recovery becomes extremely doubtful. It has been submitted that petitioner has no criminal antecedents under the NDPS Act, 1985 and he has been falsely implicated.

2. Issue notice, returnable in six weeks.

3. In the meantime, it is provided that in the event the petitioner is arrested in connection with FIR No.139 registered at Police Station Bilaspur, District Yamuna Nagar, Haryana, he shall be released on a personal bond of Rs. 25,000/- subject to an undertaking that he shall cooperate in the investigation and make himself available for interrogation as and when required by the investigating agency. He shall also submit an undertaking that he will not threaten the witnesses or tamper the evidence."

5. Upon service of notice, the State-respondent is represented.

6. We have heard learned counsel for the parties.

7. We do not find a good reason to vacate the interim order passed earlier. Accordingly, this appeal



is disposed of by making the interim order absolute subject to the following conditions:

A) Within three weeks from today, the appellant shall submit bail bonds to the satisfaction of the Trial Court along with an undertaking that he shall co-operate in the trial/investigation; and

(B) He shall submit an additional undertaking that he will not threaten the witnesses or tamper the evidence.

8. Pending application(s), if any, shall stand disposed of.

.....J.

[MANOJ MISRA]

.....J.

[MANMOHAN].”

4. Additionally, it is submitted that co-accused namely Rajender Kumar, Neeraj Bhatnagar and Rajpal, have already been granted the concession of regular bail by this Court, vide common order dated 25.02.2026 passed in CRM-M-62567, 71509 and 73556 of 2025 (Annexure P-3).

5. On the other hand, learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioner today before this Court. However, he prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and perused the paper-book as well as the documents appended thereto.

7. It is surprising that the FSL report, which has been prepared, clearly shows the results of the examination as follows:-



“RESULT OF ANALYSIS

1. Tramadol Dicyclomine and Paracetamol were detected in the sample.”

8. The said aspect was never highlighted before the Hon’ble Apex Court, although it has subsequently come to notice that the arrest of the petitioner therein (Jaspal) was sought after obtaining the FSL report regarding the nature of the contraband seized.

Once this fact was disclosed before the Hon’ble Apex Court and interim protection was granted vide order dated 27.10.2025, which was subsequently confirmed vide order dated 21.01.2026, there remains no reason for this Court to deny the concession of bail to the petitioner.

Moreover, co-accused namely Rajender Kumar, Neeraj Bhatnagar and Rajpal, have already been granted the concession of regular bail by this Court, vide common order dated 25.02.2026 passed in CRM-M-62567, 71509 and 73556 of 2025.

9. **Accordingly, present petition is allowed.** Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an



independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

23.04.2026
Lavisha

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO