



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40597-2025
DECIDED ON: 19.02.2026

RAJU @ RAJPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

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

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Raju @ Raj, aged about 36 years	67	05.06.2025	15 of NDPS Act (S. 29, 61, 85 of NDPS Act, added later on)	Bahawala	Fazilka

2. In the present petition, on 30.07.2025, following order was passed by this Court:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Raju @ Raj, aged about 36 years	67	05.06.2025	15 of NDPS Act (S. 29, 61, 85 of NDPS Act, added later on)	Bahawal a	Fazilka

2.

Learned counsel for the petitioner submits that no specific role has been attributed to the petitioner, as he is not named in the FIR. His name has surfaced only on the basis of the disclosure statement made by the co-accused. It is further submitted that even the recovery has been effected from the co-accused, namely Pawandeep Singh and Vinod Kumar, and pertains to 25 kg 300 grams of poppy-husk, which falls under the category of ‘non-commercial’ quantity.

Besides, petitioner is ready to join investigation and cooperate with the investigating agency, if protected from arrest. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.
3.

Notice of motion.
4.

On advance notice, learned State counsel puts in appearance on behalf of the respondent – State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.
5.

Adjourned to 16.09.2025.
6.

Till the next date of hearing, petitioner shall not be arrested. However, question of joining of investigation of the petitioner would be examined on the next date of hearing.”

3. Continuing his submissions, learned counsel for the petitioner contends that petitioner is 36 years of age and has never been found involved in any similar activity in the past. It is argued that in the absence of any connecting evidence, and merely on the basis of the disclosure statement of a co-accused and certain telephonic conversations between the petitioner and co-accused Pawandeep Singh, petitioner has been implicated in the present case on mere assumptions.

It is further submitted that a quantity of 25 kilograms and 300 grams of poppy husk was recovered from the possession of co-accused Vinod and Pawandeep Singh, and the recovered quantity is non-commercial in nature.

Learned counsel submits that petitioner is ready to join the investigation and to fully cooperate with the Investigating Agency, if protected from arrest by this Court. Thus, prayer has been made for grant of anticipatory bail to the petitioner in the present case.

4. *Per contra*, learned State counsel submits that custodial interrogation of the petitioner is required for effective investigation of the case. Considering the gravity of the offence alleged, it is argued that petitioner is not entitled to the concession of pre-arrest bail. Accordingly, learned State counsel prays for dismissal of the present petition.

5. This Court has heard learned counsel for the parties and perused the record available on file.

6. As per the status report dated 15.09.2025 appended with the present petition, it is noticed that certain telephonic calls were exchanged on 02.06.2025 and 04.06.2025 between the petitioner (mobile No.95889-47373) and co-accused Pawandeep Singh (mobile No.70091-96511), as well as accused Vinod Kumar (mobile No.99291-12916).

7. At this stage, learned State counsel further submits that petitioner and co-accused Pawandeep Singh belong to the same area.

8. Considering the submissions addressed by learned counsel for the respective parties, this Court is of the view that burden of

establishing the petitioner's involvement in the present case lies upon the prosecution. As noticed here above, reliance has primarily been placed upon the disclosure statement of the co-accused and the telephonic conversations between the accused persons. At this stage, this Court is not required to comment upon the evidentiary value of such material.

9. Accordingly, without expressing any opinion on the merits of the case, this Court deems it appropriate to grant the concession of anticipatory bail to the petitioner in the present case. Consequently, present petition is **allowed**.

10. Petitioner is directed to join the investigation within two weeks from today or as and when required by the investigating agency, and in the eventuality of the arrest, petitioner would be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

11. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

12. However it is clarified that in case, petitioner fails to join the investigation as per the directions issued by this Court, it will be open for the prosecution to recall the present bail order.

13. With the directions passed here above, present petition stands disposed of.

19.02.2026

Lavisha

(SANJAY VASHISTH)
JUDGE

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