

CRM-M-49585-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129CRM-M-49585-2025
Decided on:25.03.2026

Sandeep Kumar.....Petitioner

Versus

State of Haryana.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, 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 of Petitioner (s)	FIR No.	Date	Section(s)	Police Station
Sandeep Kumar, aged about 29 yeras	347	25.12.2024	20(A),22(B), 27-A (Act No.61) of NDPS Act	City Ratia, Fatehabad

2. After hearing learned counsel for the petitioner on 05.09.2025 following was recorded:

“1. xxx

2. Learned counsel for the petitioner, inter alia, contends that recovery in the present case was effected from the main accused, Darshan Singh, from whom 504 grams of ganja and 10 tablets of Buprenorphine were allegedly recovered.

It is submitted that petitioner’s name was subsequently implicated in the case, solely on the basis of the disclosure statement made by the co-accused Darshan



Singh, who alleged that petitioner was supplier of the recovered contraband.

3. *Further submits that case against the petitioner is false and fabricated, and except for the disclosure statement of the co-accused, there is no other material or independent evidence on record, to connect the petitioner with the alleged offence.*

It is also argued that no recovery has been effected from the petitioner, and thus, it would be incumbent upon the prosecution to substantiate the allegations, which are otherwise uncorroborated. Moreover, petitioner is ready to join the investigation and fully cooperate, if protected from arrest by this Court. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

4. *Notice of motion.*

5. *On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*

6. *Adjourned to 10.11.2025.*

7. *Meanwhile, petitioner shall not be arrested. However, issue of joining of investigation by the petitioner would be examined on the next date of hearing, after reviewing the status report, which is yet to be filed by learned State counsel.”*

3. Status report by way of affidavit of Nar Singh, HPS, Deputy Superintendent of Police, Ratia, District Fatehabad has already been filed. The Registry is directed to tag the same at the appropriate place in the paper book.

4. Referring to paragraph No. 6 of the status report, learned State counsel submits that petitioner's mobile number 9812913258 was found in regular contact with mobile number 9592964468 of the main accused, Darshan Singh, from whom 504 grams of ganja and 10 tablets of Buprenorphine were recovered. Recovery in the present case was effected on 25.12.2024 and call details indicate three calls, i.e., one on 24.12.2024 and two calls on 25.12.2025. It is thus contended that such

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frequent telephonic contact links the petitioner with the main accused in connection with the alleged offence.

5. Learned counsel for the petitioner submits that merely on the basis of telephonic conversation between two persons, it cannot be presumed that a person from whom nothing has been recovered is also involved in such a serious offence under the provisions of the NDPS Act. It is further submitted that mere call details and the disclosure statement are not sufficient to implicate the petitioner, and there must be some additional corroborative evidence to establish his involvement.

6. I have heard learned counsel for the parties and perused the paper book along with the status report.

7. Noticing the contentions recorded in the order dated 02.08.2025 (supra) and status report, and considering that petitioner's name has been implicated primarily on the basis of a disclosure statement, and the allegations are yet to be proved by the prosecution beyond reasonable doubt, this Court is of the view that the present petition deserves to be allowed. Accordingly, petitioner is directed to join the investigation within two weeks from today or as and when called by the Investigating Officer concerned. In the event of his arrest, petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. Petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

However, petitioner shall continue to join the investigation



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as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

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.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 25, 2026
rashmi

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