



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.54082 of 2025 (O&M)
Date of Decision :11.02.2026

Kapil

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.Piyush Sharma, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This is a petition for anticipatory bail filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in a case arising out of FIR No.79 dated 31.07.2025, under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 [Section 29 of NDPS Act added later on], Police Station Smalsar, District Moga.
2. Vide order dated 24.09.2025, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety bonds to the satisfaction of Arresting/Investigating Officer.
3. It has been submitted by learned counsel for the petitioner that in compliance with above mentioned order, the petitioner has already joined investigation and that the order dated 24.09.2025, whereby the petitioner



was afforded the benefit of interim anticipatory bail, be made absolute.

4. The learned State Counsel has filed short affidavit by way of affidavit of Deputy Superintendent of Police, Baghapurana, District Moga. The same be taken on record. It has been contended by learned State counsel that custodial interrogation of the petitioner is required as the petitioner has not been co-operative during investigation and therefore, the mobile phone could not be recovered by the Investigating Officer.

5. Heard. The record has been perused carefully.

6. In view of facts and circumstances of present case, following are the relevant factors which are required to be taken into consideration for a decision in the present petition:-

- i) that nothing has been recovered from the possession of the petitioner;
- ii) that the recovered contraband from the main accused comes within the ambit of intermediate quantity;
- iii) that nothing is left to be recovered from petitioner;
- iv) that the plea with regard to custodial interrogation of the petitioner is not convincing; and
- v) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence;

7. In view of above, it is hereby held that the present petition deserves to be allowed and the order dated 24.09.2025, whereby the benefit of interim bail was accorded to the petitioner, deserves to be made absolute.



8. Hence the present petition stands allowed and the order dated 24.09.2025 is hereby made absolute.

(SURYA PARTAP SINGH)
JUDGE

11.02.2026
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No