

2026:PHHC:000012



112

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-74127-2025
DECIDED ON: 01.01.2026

SURAJ

.....PETITIONER(S)

VERSUS

STATE OF HARYANA

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balwinder Singh Chahal, Advocate
for the petitioner(s)

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 seeking anticipatory bail to the petitioner in event of arrest in FIR No. 0473, dated 17.12.2025, under sections 21 of NDPS. Act 1985 and section 29 of NDPS Act 1985 (added Later on), registered at Police Station Ambala Cantt., District Ambala (Annexure P-1), in the interest of justice.

2 Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely on the basis of disclosure statement of co-accused Suraj @ Raghu, from whom a recovery of 32.50 grams of heroin was effected, which is non-commercial in nature. It is further submitted that no

recovery has been effected from the conscious possession of the petitioner. Learned counsel undertakes, on behalf of the petitioner, that the petitioner is ready and willing to cooperate with the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Ms. Ruchi Sekhri, Addl. AG. Haryana accepts notice on behalf of respondent/State. She prays for dismissal of the present petition on the ground that the petitioner is a habitual offender, as he is also involved in another case bearing FIR No.231 dated 30.07.2024 under Sections 21/29 of NDPS Act, registered at Polcie Station Parao, Ambala Cantt.

3. **Analysis**

Considering the fact that admittedly no recovery was effected from the petitioner and the contraband recovery is 32.50 grams of heroin, which falls under non-commercial category and the fact that in the other case also, the petitioner has already been released on bail. Moreover, the petitioner has undertaken in paragraph 21 of the petition that he will join the investigation and cooperate with the Investigating Officer.

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the

evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

4. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

01.01.2026
Meenu

(SANDEEP MOUDGIL)
JUDGE

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