CRM-M-74043-2025

2025:PHHC:179476

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-74043-2025
Date of Decision:31.12.2025

LUKMAN ALIAS LUKA

….PETITIONER(S)

VERSUS

STATE OF HARYANA

….RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Pallavi Babbar, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in connection with FIR No. 14 dated 13.01.2025 under Sections 21, 25 of NDPS Act, 1985 registered at Police Station Kunjpura, Karnal, District Karnal.

2. Contention

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of main accused-Shahjad from whom recovery of 43.74 grams of heroin was effected and the same is non-commercial in nature. He undertakes on behalf of the petitioner that he is ready and willing to join the investigation.

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Notice of motion.

On behalf of the State

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 stating that the petitioner was implicated in the present FIR on the basis of the disclosure statement of the co-accused, namely, Shahjad, who stated that he purchased the contraband from the present petitioner, therefore, custodial interrogation of the petitioner is required. She further submits that the petitioner is a habitual offender as he is involved in other cases.

4. **Analysis**

In the present case, admittedly, no recovery has been effected from the present petitioner and the same is non commercial in nature added with the fact that except the disclosure statement, no other cogent material has been put forth by the State to connect the petitioner with the alleged contraband and the petitioner has given an undertaking in para 12 of the instant petition that he 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.

As far as 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

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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 has no reason to decline the present petition.

5. **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 his satisfaction. 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

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of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

Pending application(s), if any shall disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

31.12.2025
NainaRajput

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

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