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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-33480-2026
DECIDED ON: 11.06.2026**

AMIT BANSAL**.....PETITIONER(S)****VERSUS****STATE OF PUNJAB****.....RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Gautam Dutt, Sr. Advocate with
Mr. Aashutosh Jerath, 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 (Corresponding to Section 438 Cr.P.C.) seeking anticipatory bail to the petitioner, in view of summoning order dated 11.05.2026 (Annexure P-17) passed by the learned Special Judge, Ludhiana under Section 358 of the BNSS, 2023 (erstwhile 319 Cr.P.C.) whereby the petitioner has been summoned to face trial for offences punishable Under Sections 25 and 29 of The Narcotic Drugs And Psychotropic Substances Act, 1985, in FIR No.242 dated 05.10.2022, registered under Sections 22 and 29 of the NDPS, 1985, at Police Station STF Phase IV, Mohali, District SAS Nagar, Punjab.



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Contention**On behalf of the petitioner**

Learned Senior counsel for the petitioner contends that the impugned summoning order and the resultant apprehension of arrest are wholly unsustainable as the petitioner was found innocent during investigation, no recovery was effected from him, and no legally admissible evidence establishes his involvement in the alleged offence. It is submitted that the entire case rests on assumptions arising from his association with a licensed de-addiction centre and a solitary 19-second phone call with a co-accused, which was itself found innocuous by the Investigating Agency. Counsel argues that both the final report and supplementary challan excluded the petitioner from prosecution; the Investigating Officer repeatedly affirmed that no nexus, conspiracy, profit-sharing arrangement or connection with the recovered contraband was discovered; and earlier judicial orders had also recorded his non-involvement. It is further contended that the stringent requirements for invoking Section 358 BNSS and attracting Sections 25, 29 and 37 of the NDPS Act are not satisfied, that the prosecution attempted to fill lacunae in its case by repeatedly recalling the Investigating Officer, and that custodial interrogation is wholly unwarranted as the entire evidence is documentary in nature, already forms part of the trial record, and the petitioner has throughout cooperated with the investigation and proceedings.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Aftab Singh Khara, Sr. DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner has been summoned by the learned Trial Court



after due appreciation of the evidence that surfaced during trial and, therefore, cannot claim the benefit of the findings recorded during investigation. It is contended that the material available on record prima facie indicates the petitioner's involvement in the commission of the alleged offence and the allegations attract the rigours of Sections 25, 29 and 37 of the NDPS Act. Learned State counsel further submits that the summoning order having been passed on the basis of evidence recorded before the Trial Court.

3. **Analysis**

Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the petitioner was neither named in the FIR nor was any recovery effected from his conscious possession. The record further reveals that during the course of investigation, the petitioner was found innocent and was not sent up for trial in the final report under Section 173(2) Cr.P.C (Annexure P-4). Thereafter, even upon further investigation culminating in the supplementary report under Section 173(8) Cr.P.C. (Annexure P-6), the investigating agency again concluded that no cogent material existed to connect the petitioner with the alleged offence and specifically recommended his discharge. Significantly, the matter underwent investigation on more than one occasion and the consistent stand of the investigating agency throughout remained that no incriminating material was available against the petitioner. Even during trial, the Investigating Officer, while deposing before the Court, admitted that apart from a solitary telephonic conversation of short duration with a co-accused, no evidence had surfaced establishing any nexus of the petitioner with the recovered contraband, its supply, sale, transportation, profit-sharing or the alleged conspiracy. No independent oral or documentary evidence linking the petitioner



with the commission of the offence has been pointed out. In such circumstances, when the petitioner has twice been found innocent during investigation, no recovery has been effected from him, the prosecution case against him rests primarily on presumptive inferences, and the entire evidence is already part of the trial record, custodial interrogation of the petitioner does not appear necessary

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.

11.06.2026

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**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No