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

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CRM-M-36519-2024 (O&M)
Date of decision: 29.08.2024

Imran Rana**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Tanvir Singh Attariwala, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks anticipatory bail in case arising out of FIR No. 150, dated 05.07.2024, registered under Section 22(c) and 29 of the Narcotic Substances and Psychotropic Substances Act, 1985 (*for short 'the Act'*) at Police Station Farakpur, District Yamuna Nagar.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 05.07.2024, a secret information was received to the effect that one Sukhwinder Singh, who worked in a medical store situated opposite Sukhwinder Kumar Gaba Hospital, Yamuna Nagar, was indulged in selling intoxicant capsules. In pursuance of this information, aforesaid

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Sukhwinder Singh was apprehended by a police party and the recovery of 1320 intoxicant capsules was effected from him. He was arrested at the spot. On interrogation, he recorded his disclosure statement to the effect that he had purchased the recovered intoxicant capsules from the petitioner. On the basis of this disclosure, the petitioner has been nominated as an accused in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Yamuna Nagar, which has been dismissed, vide order dated 12.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery is to be effected from him. The petitioner is not involved in any other case. He has clean antecedents. His custodial interrogation is not required. No purpose would be served by detaining him in custody. He is ready to join the investigation. With these arguments, it is argued that the present petition deserves to be allowed and the petitioner deserves to be granted concession of pre-arrest bail.

4. Reply has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that although the petitioner has been nominated in this case on the basis of the disclosure suffered by aforesaid co-accused, however, during the course of investigation, it has been found that the petitioner was the supplier of the contraband to the co-accused. There were as many as 53 calls exchanged between both of them within the

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period from 01.05.2024 to 04.07.2024 and even on the date of purchasing the recovered contraband, they have exchanged 7 calls. The petitioner is supplier of the contraband and his complicity in the subject offence has been established during investigation. His custodial interrogation is required for conducting thorough investigation in the matter and for the purpose of effecting further recovery of contraband, if any. The allegations against him are serious in nature. Therefore, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused, who was apprehended by the police party and the recovery of 1320 intoxicant capsules was effected from him. As per allegations, the petitioner was the supplier of the recovered contraband. A perusal of the disclosure statement suffered by the co-accused reveals that he has specifically stated that the petitioner runs a medical store in the name of Chauhan Medical Agency in Saharanpur, Uttar Pradesh and he had bought total 1440 capsules from the petitioner for Rs. 7500/-. The recovery of alleged contraband effected from the co-accused falls under the commercial quantity. There are serious and specific allegations against the petitioner. The exchange of calls as mentioned above also *prima facie* establishes the complicity of the petitioner in the subject offence. The custodial interrogation of the petitioner is must for proper investigation in the matter and to burst the network of drug smuggling as well as for effecting

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recovery of contraband, if any. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers, while deciding pre-arrest bail applications, are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of pre-arrest bail. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

29.08.2024*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*