

2025:PHHC:036012



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

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CRM-M-8919-2025 (O&M)
Date of decision: 17.03.2025

Abdul Kadir**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ashish Grewal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') seeking anticipatory bail in case bearing FIR No. 13 dated 21.01.2025, registered under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Chhachhrauli, Yamuna Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on , co-accused Akbar was apprehended by a police party headed by SI Charanjeet Singh and recovery of 35 grams of heroin was effected from him. He was formally arrested at the spot. During the course of investigation, disclosure statement of above named co-accused was recorded, wherein he disclosed that the recovered contraband was purchased from the petitioner. On the basis of the same, the petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an

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application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Yamuna Nagar but the same had been dismissed, vide order dated 04.02.2025.

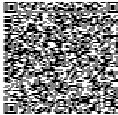
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is not involved in any other criminal case. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused but during the course of investigation, his complicity in the subject crime has been established. The petitioner used to sell heroin to the co-accused. His custodial interrogation is required for proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by the co-accused Akbar, who was apprehended by the police party on 21.01.2025 and recovery of 35 grams of heroin was

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effected from him. The quantity of the recovered contraband admittedly does not fall within the ambit of commercial quantity. The petitioner is not shown to be involved in any other criminal case. He has clean criminal antecedents. It is a question of debate as to whether the petitioner was involved in sale/purchase of the contraband or not. In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail on furnishing personal/surety bonds to subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

17.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No