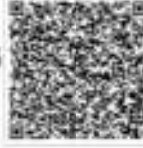


2025.PHHC:024796



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

**SR. No.103**

**CRM-M-9744-2025**

Date of decision:20.02.2025

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT**

**Present:** Mr. Raman Chawla, Advocate for the petitioner.  
**N.S. SHEKHAWAT, J.**

1. Petitioner has filed the present petition under Section 482 of BNSS, 2023 with a prayer to grant pre-arrest bail in FIR No.44 dated 28.01.2025 registered under Sections 21(b)/61/85 of the NDPS Act at Police Station Hisar City, District Hisar.
2. The FIR in the present case was registered on the basis of secret information received by ASI Shamsher singh. As per the case set up by the prosecution, co-accused Inder Kalan @ Indra was caught by the police while she was carrying 76.77 grams of heroin. After her arrest, she suffered the disclosure statement, mentioning the fact that the petitioner had supplied the said contraband to her for selling it further.
3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and his name had appeared in the FIR only on the basis of disclosure statement of co-accused Inder Kalan @ Indra and except the said disclosure statement, there is no other evidence against him. He further contends that even the police had raided the house of Inder Kalan @

Indra and the entire process of raid was videographed and the petitioner was not at the spot. Moreover, the police officials had come in a private vehicle, which is in violations of the instructions issued by the Director General of Police, Haryana.

4. On an advance notice, Mr. Rajinder Kumar Banku, DAG, Haryana, has put in appearance on behalf of the respondent-State and has vehemently opposed the submissions made by the learned counsel for the petitioner by submitting that the petitioner is a habitual offender. Apart from the present case, the petitioner was found involved in the following two more criminal cases, which was registered against him under the provisions of the NDPS Act:-

1. FIR No.578 dated 28.06.2016 registered under NDPS Act at Police Station City, Hisar.
2. FIR No.338 dated 10.05.2023 registered under NDPS Act at Police Station City, Hisar.

5. Learned State counsel next submits that in fact the petitioner is a part of a group of drug dealers, who are operating in the area and the present petition deserves to be dismissed by this Court. Learned State counsel has also relied upon the law laid down by the Hon'ble Supreme Court in the matter of ***“State of Haryana Vs. Samarth Kumar”, 2022 LiveLaw (SC) 622***, wherein the Hon'ble Supreme Court held as follows:-

“4. The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in ***Tofan Singh v. State of Tamil Nadu*** reported in ***(2021) 4 SCC 1***.

5. But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.

6. Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.

7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. In cases of this nature, the respondents may be able to take advantage of the decision in **Tofan Singh v. State of Tamil Nadu (supra)**, perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.”

6. I have heard the learned counsel for the parties and perused the case file.

7. As per the allegations levelled by the prosecution, the petitioner, who is son of Inder Kalan @ Indra (main accused), had supplied the drugs to his mother for supplying the same further to the customers. The petitioner is involved in two more cases of similar nature. Thus, the custodial interrogation of the petitioner seems to be imperative to unravel his links with the other suppliers of drugs.

8. Keeping in view the peculiar facts of the present case, the present petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is hereby dismissed.

(N.S. SHEKHAWAT)  
JUDGE

20.02.2025  
mks

Whether Speaking/Reasoned: YES / NO  
Whether Reportable: YES / NO