



CRM-M-12337-2025

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

CRM-M-12337-2025

Decided on: 05.03.2025

Vijay

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. PP, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 146 dated 19.02.2025, registered under Section 21(b) of NDPS Act, 1985, at Police Station City Sadar Hisar, District Hisar.

2. Succinctly facts of the case are that on 19.02.2025, the Police received a secret information to the effect that Vijay Singh son of Lakhmir Singh is engaged in selling heroin near the street of his house. It was informed that he will sell the contraband to Ravi Singh and Ajay Kumar and hence, in case of raid at the house of Vijay Singh, then he alongwith Ravi Singh and Ajay Kumar could be caught with heroin. On finding the information reliable, raiding party was constituted and raid was conducted at the house of Vijay Singh. Three persons were seen sitting and on the basis of suspicion, with the help of other police officials they were caught. On asking they disclosed their named as Vijay Singh son of Lakhmir Singh, Ravi Singh son of Pappu Singh and Ajay Kumar son of Ranbir Singh. They were given offer for the their search and on conducting their search, 62.87



grams of heroin was recovered from Vijay Singh, 10.08 grams heroin was recovered from Ajay Kumar and 19.96 grams of heroin was recovered from Ravi Singh. They failed to produce any licence regarding possession of the same and thus, were arrested on the spot alongwith the contraband. On registration of the FIR, the investigation commenced. During the investigation, disclosure statement of co-accused was recorded and complicity of the petitioner, namely, Vijay son of Bachan Singh was found in the present case, as he was disclosed to be the supplier of the contraband recovered from the co-accused. Thus, he was also arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Hisar, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 27.02.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner is named in the FIR nor any recovery has been effected from him. He submits that the petitioner has been involved in the present case only on the basis of the disclosure statement of the co-accused, which is not an admissible evidence. He submits that even otherwise recovery of the contraband effected from the co-accused falls under the category of non-commercial quantity, thus, provisions of Section 37 of the NDPS Act are also not attracted. He, thus, submits that in the overall facts and circumstances, he deserves to be



granted anticipatory bail.

4. Learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is the supplier of the contraband recovered from all three co-accused. He submits that the petitioner supplied 100 grams of heroin to all three accused. The investigation is at the initial stage and thus, the petitioner does not deserve the concession of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, it is apparent that though complicity of the petitioner surfaced during the disclosure statement of the co-accused, however, in the secret information name of all three co-accused were mentioned from whom recovery of heroin was effected, which was allegedly supplied by the petitioner. All three accused have already been arrested by the Investigating Agency, however, the petitioner is at large, who allegedly had supplied 100 grams of heroin. The investigation is at threshold. Even if the contraband recovered from the co-accused is less than the commercial quantity, however, the same has been allegedly supplied by the petitioner.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*



2. *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."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of



disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. The petitioner has approached this Court praying for grant of anticipatory bail, however, Hon’ble Supreme Court in **The State of Haryana vs. Samarth Kumar, 2022 Livelaw (SC) 622** has held that in the cases like the present one, the accused may take advantage of facts like no recovery was effected from him and that he was implicated on the basis of disclosure statement made by the main accused, at the time of arguing regular bail application or at the time of final hearing after conclusion of trial.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the

extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

05.03.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No