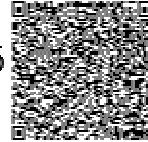


2025:PHHC:050685



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

343

CRM-M-12714-2025 (O&M)

Date of decision: 22.04.2025

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

Present:- Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No. 544 dated 23.12.2022, registered under Section 20-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 23.12.2022, on the basis of a secret information, co-accused Anil Singh was apprehended by a police party headed by SI Gurmej Singh and recovery of 03 kgs. of *Ganja patti* was effected from him. He was formally arrested at the spot. During interrogation, the above named co-accused disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the present petitioner has also been nominated in this case as an accused. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the

2025:PHHC:050685



Court of learned Additional Sessions Judge, Yamuna Nagar but the same had been dismissed, vide order dated 28.02.2025.

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 above named co-accused, which is not admissible in evidence. The petitioner has clean antecedents as he is not involved in any other such or similar case. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner 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. Reply has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Haryana has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity in the subject crime has been established. He had sold the recovered contraband to the co-accused. Custodial interrogation of the petitioner is required for conducting 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 co-accused Anil Singh, who was

2025:PHHC:050685



apprehended by the police party on 23.12.2022 and from whom, recovery of 03 kgs. of *Ganja patti* was effected. The allegations against the petitioner are that he had sold/supplied the recovered contraband to the co-accused. However, a perusal of the reply would reveal that there is nothing on record to connect the petitioner with the subject crime, except the aforesaid disclosure statement. He is not even shown to be involved in any other case of similar nature. 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 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.

22.04.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*