

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-12907-2025
Date of decision: 28th March, 2025

Hajoor Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
41	08.02.2025	Sadar Pehowa, District Kurukshetra	18 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short ‘NDPS’) (Section 29 of NDPS Act added later on)

2. As per the allegations, on 08.02.2025, the accused Balwinder Singh was apprehended by police and 206 grams of *opium* was recovered from him. He suffered disclosure statement thereby nominating the petitioner, as supplier of the contraband. The petitioner while apprehending his arrest, moved an application for grant of pre-arrest bail, which was



dismissed by the Court of learned Additional Sessions Judge, Kurukshetra vide order dated 21.02.2025.

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 co-accused which cannot be considered to be admissible in the eyes of law. No recovery is to be effected from him. He has nothing to do with the recovery of contraband effected from the petitioner. The recovered contraband is of non-commercial quantity. He is ready to join the investigation. No purpose would be served by arresting him. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Haryana that the allegations against the petitioner are serious in nature. Call detail record of mobile phone of the petitioner and co-accused Balwinder Singh has been collected, which shows the factum of be their being in constant touch with each other. For making deeper probe and elicit information about the manner in which the petitioner supplied drugs to the co-accused, his custodial interrogation is must. No exceptional or extra ordinary circumstance for grant of pre-arrest bail is made out. It is, accordingly, urged that the petition does not deserve to be allowed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Balwinder Singh, from whom recovery of 206 grams of *opium* was effected. Learned State counsel has raised an



apprehension that the petitioner may be involved in some more similar offences as the co-accused, on whose disclosure he has been nominated in this case, is a drug peddler and involved in some other cases under the NDPS Act. In order to know the antecedents of the petitioner and for effecting recovery of the contraband, if any, his custodial interrogation is required. So far as the ratio of law as laid down by Hon'ble Supreme Court in ***Tofan Singh***'s case (supra) is concerned, the same stands clarified by Hon'ble Supreme Court in ***State of Haryana vs. Samarth Kumar : 2022(3) RCR (Criminal) 991***, wherein it has been held that the advantage of decision of ***Tofan Singh***'s case (supra) can be taken in regular bail application or at the time of final hearing after conclusion of trial and not while seeking concession of pre-arrest bail. 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 under Section 438 of Cr.P.C. 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 under Section 438 of Cr.P.C. 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. 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 rather his custodial interrogation is required for thorough investigation in the matter by the police. 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.

[MANISHA BATRA]
JUDGE

28th March, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |