

2025:PHHC:033901



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

101

CRM-M-13035-2025 (O&M)

Date of decision: 10.03.2025

Krish Kumar @ Krish Dhawan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ajay Pal S. Gill, Advocate
for the petitioner.

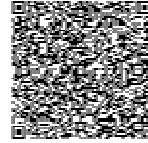
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 198 dated 07.09.2024, registered under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Kotkapura, District Faridkot.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.09.2024, the present petitioner and co-accused Amit Kumar @ Rinku, who is father of the present petitioner, were coming on a scooter. On suspicion, the police party headed by ASI Dharam Singh signaled them to stop but the scooter rider tried to turn the scooter back and fell on the ground. In that process, the rider of the scooter, who was a clean shaven man, succeeded in fleeing away from the spot. However, the pillion rider was apprehended. On interrogation, he disclosed his name as 'Amit Kumar @

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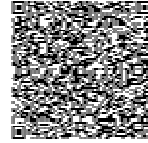


Rinku'. On conducting search, recovery of 800 tablets of Tramadol Hydrochloride was effected from the polythene bag, which he was carrying. The total weight of the contraband was found to be 220 grams. During the course of investigation, the co-accused named the present petitioner as the person, who had run away from the spot. 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 application for grant of anticipatory bail before the Court of learned Judge, Special Court, Faridkot but the same had been dismissed, vide order dated 19.02.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been involved in this case on the basis of the disclosure statement suffered by co-accused, which is not admissible in evidence. The alleged occurrence is shown to have taken place at Kotkapura but the petitioner was not present in Kotkapura at the relevant time. Rather, the CCTV footage of the cameras installed at his residence at Jalandhar and the photographs taken from the same would show that he was in Jalandhar at the relevant time. Even otherwise, the quantity of the contraband allegedly recovered from the co-accused does not fall under the commercial quantity. The petitioner is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel, who has advance notice of the petition and is ready to argue the matter, has argued that the petitioner has been nominated in this case on the basis of the disclosure suffered by the co-accused, who is his own father and there is no likelihood that the co-accused

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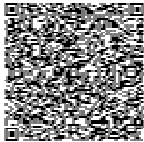


would falsely implicate his own son. He had succeeded in running away on the day when his father/co-accused was apprehended. The petitioner was also involved in the subject crime. His custodial interrogation is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. 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 made by co-accused Amit Kumar @ Rinku, who was apprehended by the police party at the spot on 07.09.2024 and from whose custody, recovery of 800 intoxicant tablets of the aforesaid salt was effected. It is the case of the prosecution that the petitioner was the person, who had succeeded in running away on the fateful day. The petitioner has taken plea of *alibi* by submitting that in fact he was in Jalandhar on 07.09.2024 and has placed on record a Pen Drive and some photographs in support of his claim. Although, this Court is not supposed to go that deep into the evidence at the time of deciding a petition seeking grant of anticipatory bail and all that is needed to see is whether a *prima facie* case is made out not, however, still the video clips contained in the Pen Drive have been seen along with the photographs but it is not clear as to where the same was recorded. Hence, the same did not extend any benefit to the petitioner, at this stage. This Court is of the considered opinion that custodial interrogation of the petitioner is required for proper investigation in the matter and also for effecting further recovery of the contraband, if any. The well settled proposition of law is that while

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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 482 of BNSS 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 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. 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.

10.03.2025

Wasim Jinnah

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No