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

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**CRM-M-13938-2025 (O&M)
Date of decision: 09.04.2025**

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

Present:- Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

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. 0045 dated 03.03.2025, registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Baragudha, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 03.03.2025, co-accused Jaswant Singh @ Nikka was apprehended by the police party and recovery of 7.31 grams of heroin was effected from him. During the course of investigation, 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 been nominated in this case as an accused. Apprehending his arrest, the petitioner had filed an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sirsa but the same had been dismissed,

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vide order dated 05.03.2025.

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 only on the basis of disclosure statement of above named co-accused, which cannot be considered to be admissible in evidence against him. Registration of two other cases of similar nature against the petitioner at the same police station speaks in volume regarding his false implication in such like cases. He is on bail in other cases registered against him. It is further argued that no recovery is to be effected from the petitioner. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned Assistant 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 above named co-accused but during the course of implication, his complicity in the subject crime has been established. He had sold 08 grams of heroin to the co-accused, out of which, 7.31 grams of heroin was recovered from him. The custodial interrogation of the petitioner is required for proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

5. I have 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 Jaswant Singh @ Nikka, who was apprehended by the police party at the spot and from whose

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possession, recovery of 7.31 grams of heroin was effected. The allegations against the petitioner are that he had sold the recovered contraband to the co-accused for Rs. 10,000/-. The quantity of the recovered contraband does not fall within the ambit of commercial quantity. The petitioner has taken a plea that he is being falsely implicated in multiple cases by the police officials of Police Station Baragudha as two more cases of similar nature have been registered against him at the same police station. Even otherwise, it is a question of debate as to whether the petitioner was involved in sale/purchase of the contraband or not? In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required and no useful purpose would be served by detaining him into custody. 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.

09.04.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*