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

208

CRM-M-22429-2025 (O&M)
Date of decision: 03.07.2025

Lakhan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. R. S. Bains, Senior Advocate with
Mr. Anmoldeep Singh, Advocate
for the petitioner.

Mr. Neeraj Poswal, 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. 76 dated 21.03.2025, registered under Sections 21 and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Parao, District Ambala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 21.03.2025, co-accused Heera Chawla was apprehended by a police party headed by ASI Ashish Kumar and recovery of 01 kg. of heroin was effected from him. Upon interrogation, he disclosed that he had purchased the recovered contraband from Delhi for the present petitioner, for which, the petitioner had paid him an amount of Rs. 10 Lakhs. On the basis of the same, the petitioner has also been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of

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anticipatory bail before the Court of learned Additional Sessions Judge, Ambala but the same had been dismissed, vide order dated 27.03.2025.

3. Learned senior counsel for the petitioner has argued that the petitioner has been falsely implicated in this case by the police officials. He has no connection with the above named co-accused. Previously also, the petitioner has been falsely involved in cases registered under the NDPS Act on the basis of the disclosure statements made therein by the co-accused. Since the petitioner had procured an order for preserving the tower location of the police officials in connection with FIR No. 750 dated 19.12.2022, he was again falsely implicated in another similar case and thereafter, since the petitioner has been availing his legal remedies against her false implications, he is being roped in one after another case by the police officials on false allegations. So far as the allegation regarding giving an amount of Rs.10 Lakhs to co-accused Heera Chawla is concerned, the same is totally false and baseless. 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. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana that there are serious allegations against the petitioner. It was the petitioner on whose asking the co-accused had procured the contraband from Delhi and the petitioner had paid him an amount of Rs. 10 Lakhs to him. During the course of investigation, an amount of Rs.5,69,000/-, which was kept concealed in some shoe boxes, was recovered from the house of the petitioner. Not only this, during investigation, it has also been found that the petitioner and co-

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accused have exchanged 245 calls during the relevant time. The petitioner is a habitual offender as five other criminal cases, out of which three cases are of similar nature, are pending against him. The quantity of the recovered contraband is commercial one. The custodial interrogation of the petitioner is required for conducting thorough investigation in the matter and also for effecting further recovery of contraband, if any. 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. Recovery of 01 kg. of heroin has been effected from co-accused Heera Chawla on 21.03.2025. The petitioner has been nominated in this case on the basis of the disclosure suffered by the said co-accused. The allegations against him are that the recovered contraband was procured by the co-accused on the asking of the petitioner, for which, he had paid him an amount of Rs.10 Lakhs. The allegations against the petitioner are quite serious. Drug money of Rs. 5,69,000/- has been recovered from his house, which was hidden in some shoes boxes. He was in constant touch with the co-accused over phone during the relevant time, which prima facie established his involvement in the subject crime. His criminal antecedents are also not clean as he is shown to be involved in multiple FIRs. His custodial interrogation is must for conducting proper investigation in the matter. Even otherwise, no extraordinary or exceptional circumstance has been made out in favour of the petitioner for grant 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

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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. 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.

03.07.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No