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

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CRM-M-22354-2025 (O&M)
Date of decision: 29.04.2025

Balwant Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Surjeet Singh Chahal, Advocate
for the petitioner. (Through VC)

Mr. Apoorv Garg, Senior DAG, 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. 124 dated 01.06.2023, registered under
Sections 15C and 29 of the Narcotic Drugs and Psychotropic Substances Act,
1985 (*for short 'NDPS Act'*) at Police Station Ding, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of this
petition are that on 31.05.2023, co-accused Gagan @ Sonu and Vinod
Kumar @ Bablu, while coming in a car bearing registration number
HR-26-AQ-2937, were apprehended by a police and recovery of 60 kgs. of
poppy husk/straw was effected from their car. Both the co-accused were
formally arrested at the spot. During the course of investigation, disclosure
statements of aforesaid co-accused were recorded on 01.06.2023, wherein they

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disclosed that they had purchased the recovered contraband from an unknown person through co-accused Ramesh Kumar. Co-accused Ramesh Kumar was arrested and on interrogation, he nominated co-accused Harish Kumar @ Rishu. The name of the petitioner surfaced in the disclosure of co-accused Harish Kumar @ Rishu with the allegations that he along with Harish Kumar @ Rishu used to purchase the recovered contraband through co-accused Gagan @ Sonu and Vinod Kumar @ Bablu. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sirsa but the same had been dismissed, vide order dated 18.04.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was not named in the FIR. He has been nominated in this case on the basis of the disclosure statement suffered by co-accused Harish Kumar @ Rishu, which is not admissible in evidence against him. There is nothing on record to connect the petitioner with the subject crime. Co-accused Gagan @ Sonu has been granted concession of regular bail by the Hon'ble Supreme Court, whereas co-accused Vinod Kumar @ Bablu, Ramesh Kumar and Harish Kumar @ Rishu have been granted concession of regular bail by this Court, vide Annexures P-3 to P-6, respectively. 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. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Senior Deputy Advocate General, Haryana, who has advance notice of this petition and is ready to argue the matter, has submitted that the petitioner is not entitled to get concession of anticipatory

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bail as there are serious allegations against him. His custodial interrogation is required to conduct a proper and thorough 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 made by co-accused Harish Kumar @ Rishu. The allegations against him are that he along with co-accused Harish Kumar @ Rishu used to purchase the contraband through co-accused Gagan @ Sonu and Vinod Kumar @ Bablu. Commercial quantity of the contraband has been recovered in this case. The petitioner is stated to be a part of a group, which is involved in drug peddling. The allegations against him are quite serious. No extraordinary or exceptional circumstance has been made out for grant of anticipatory bail to the petitioner. 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 482 of BNSS are to be exercised in extraordinary and sparing circumstances. 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. 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

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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.

29.04.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No