

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:172732



210

CRM-M-31583-2025 (O&M)
Date of decision:10.12.2025

Rahul Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

MANISHA BATRA, J. (Oral)

Instant petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case arising out of FIR No.65, dated 03.05.2025, registered under Section 22 of the NDPS Act, Section 15 of the Indian Medical Council Act, 1956 and Section 223 of the BNS, at Police Station City Fazilka, District Fazilka.

2. As per the allegations, on 03.05.2025, on the basis of secret information, accused Malkeet Singh and Puneet Singh were apprehended and 100 intoxicant tablets of Covidol 100 SR were recovered from the conscious possession of the accused Malkeet Singh whereas 5000 capsules of Pregablin were recovered from the conscious possession of Puneet Singh. They were formally arrested. They were interrogated and suffered disclosure statements to the effect that they had procured the intoxicant tablets/capsules

from the present petitioner from Abohar. The petitioner was nominated as an additional accused. The investigation is underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 23.05.2025.

3. It is argued by learned counsel for the petitioner that he is a pharmacist by profession and has been granted license. He is having some dispute with one Sunil Kumar Sethi, who is a senior pharmacist. The said Sunil Kumar Sethi, who is having political links, has got him falsely implicated in this case. He was not named in the FIR. He was nominated on the basis of disclosure statement of the co-accused. He has no connection with the alleged recovery. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. He has clean antecedents. Rigors of Section 37 of the NDPS Act are not attracted against him. With these broad submissions, it is argued that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that there are serious allegations against the petitioner. Commercial quantity of intoxicant tablets were recovered from the co-accused, which was supplied by the present petitioner. For the purpose of conducting thorough and proper investigation in the matter, his custodial interrogation is required. No exceptional or extraordinary circumstance for grant of anticipatory bail is made out. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has heard rival submissions made by learned counsel

for the parties at a considerable length.

6. The petitioner is alleged to have supplied intoxicant tablets to the co-accused Malkeet Singh and Puneet Singh. He is a pharmacist by profession. The plea that he has been involved due to enmity with one Sunil Kumar Sethi cannot be considered at this stage. There are specific and serious allegations against the petitioner. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is required. It is well settled proposition of law that power for grant of pre-arrest bail are to be exercised in exceptional and extraordinary circumstances and not in a routine manner. No such circumstance is, however, made out in this case. In case custodial interrogation of the petitioner is denied to the Investigating Agency, that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation.

7. In view of the above discussed facts and circumstances, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.

8. Accordingly, the petition is dismissed.

9. It is, however, clarified that nothing stated above shall have any bearing on merits of the case.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

10.12.2025

harjeet

Whether speaking/reasoned
Whether reportable

(MANISHA BATRA)
JUDGE

Yes/No
Yes/No