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

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CRM-M-32931-2025 (O&M)
Date of decision: 23.07.2025

Kuldeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sumeet Singh Brar, 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. 62 dated 05.04.2025, registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Baraguda, District Sirsa.

2. Brief facts of the case relevant for the disposal of the present petition are that on 05.04.2025, co-accused Husanpreet Singh @ Laddi was apprehended by a police party and recovery of 08 grams and 68 milligrams of heroin was effected from him. Upon interrogation, he disclosed that the recovered contraband was given to him by the present petitioner. On the basis of the same, the petitioner was 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 Additional Sessions Judge, Sirsa

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but the same had been dismissed, vide order dated 09.05.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was not found at the spot. He has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. The story put forth by the police is unbelievable. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, he 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. Reply has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as the fact that he is involved in two more cases of similar nature and his custodial interrogation is required for conducting thorough investigation in the matter, he is not entitled to get benefit of pre-arrest bail. It is, thus, urged 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 allegations against the petitioner are that he was the supplier of the contraband recovered from the above named co-accused. A perusal of the call details record attached with the reply reveals that he was in constant touch with the co-accused during the relevant time. His custodial interrogation is must for conducting proper and thorough investigation in the matter as well as for effecting further recovery of the contraband, if any. A perusal of the

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reply also reveals that the petitioner is involved in two more cases under the NDPS Act, out which, in one case, he has been convicted and in another case, he is facing trial. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour 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 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. 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.

23.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No