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

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CRM-M-34870-2025 (O&M)
Date of decision: 03.11.2025

Surender Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rohit Mittal, 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. 108 dated 02.05.2025, registered under
Section 20(B)(II) of the Narcotic Drugs and Psychotropic Substances Act,
1985 (*for short* 'NDPS Act') at Police Station Sadar Narnaul, District
Mohindergarh.
2. Brief facts of the case relevant for the disposal of the present
petition are that on 02.05.2025, co-accused Deepak @ Khota, Aman and
Praveen @ Golu, while coming on a motorcycle, were apprehended by a police
party on suspicion and recovery of 02 kgs. 696 grams of Ganja was effected
from a bag which co-accused Deepak @ Khota was hanging on his shoulder.
During the course of investigation, co-accused Deepak @ Khota disclosed that

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he had come into contact with the present petitioner when they were lodged in Naseebpur Jail in the year 2023 and after coming out of the jail, he started consuming as well as selling Ganja by purchasing the same from the present petitioner. Even the recovered contraband was purchased from the petitioner. On the basis of the same, the petitioner has been 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, Narnaul but the same had been dismissed, vide order dated 04.06.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has neither been named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused, which cannot be considered to be admissible in evidence. 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 in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. His custodial interrogation is required for conducting proper investigation in the matter and also for effecting recovery of contraband, if any. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the submissions made by both the sides.

6. The petitioner has been nominated in this case on the basis of the

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disclosure made by co-accused Deepak @ Khota, from whose custody, the aforesaid recovery of contraband was effected. A perusal of the status report reveals that apart from the present case, the petitioner is involved in three other cases of similar nature and two other cases, which have been registered against him under the different provisions of IPC. The petitioner seems to be a habitual offender. No extraordinary or exceptional circumstance has been made out in his favour for grant of anticipatory bail. Rather, his custodial interrogation is required for conducting thorough and proper investigation in the matter. 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. 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, this Court is 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.

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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.

03.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No