



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

103

CRM-M-36649-2025

Date of decision: July 15th, 2025

Rajbir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail in FIR No.387 dated 25.6.2025 under Sections 18 and 27A of The NDPS Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.

2. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the instant case, it is submitted that the petitioner is not named in the FIR (Annexure P-1) and has been arrayed as an accused solely on the basis of the disclosure statement of a co-accused, which, it is argued, is inadmissible in evidence and insufficient to justify arrest or custodial interrogation. It is further submitted that there is no direct evidence on record to connect the petitioner with the alleged offence. Learned counsel has submitted that in the circumstances more so when no secret information was received qua the involvement of the petitioner in drug trafficking, the petitioner deserves the extension of anticipatory bail.

3. Notice of motion.

4. Mr. Rahul Mohan, Additional Advocate General, Haryana, accepts notice on behalf of the respondent.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the petitioner is the alleged purchaser of the contraband in question. Learned State counsel has submitted, on instructions, that sufficient incriminating material has been gathered during investigation to link the petitioner with the co-accused from whom a recovery of 1 kg 300 grams of opium was made; Call Detail Records between the petitioner and the co-accused Ali Muhammad clearly show that there was continuous telephonic communication between them, immediately preceding and following the time of the alleged transaction. It has also been submitted, on instructions, that the petitioner has a chequered criminal history and is involved in a number of criminal cases including three under The NDPS Act, which clearly shows that the petitioner is a habitual offender and has misused the concession of bail, which was granted to him in the other NDPS cases, which are pending against him. Learned State counsel has, therefore, prayed for dismissal of the instant petition as the custodial interrogation of the petitioner is required, coupled with the fact that there is every likelihood that the petitioner could yet again misuse the concession of bail.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. At this stage, it needs to be pointed out that while the petitioner may not be named in the FIR, his subsequent implication is not solely based on the disclosure statement of the co-accused but is also supported by Call Detail Records, which *prima facie* suggest active

communication with the prime accused during the relevant period. The allegations against the petitioner are serious in nature, involving the illegal purchase of narcotic substances, which, if proven, attract stringent punishment under The NDPS Act.

8. More significantly, the petitioner is shown to be involved in three other criminal cases of a similar nature under The NDPS Act, which cannot be ignored while considering his prayer for anticipatory bail. This pattern of alleged involvement indicates that the petitioner may be a habitual offender. The apprehension of the State counsel that custodial interrogation of the petitioner may be necessary for a thorough and effective investigation, therefore, appears to be well founded.

9. Given the seriousness of the allegations, the antecedents of the petitioner, and the material indicating his possible complicity in the offence, this Court is of the considered view that the petitioner does not deserve the extraordinary concession of anticipatory bail.

10. Accordingly, the instant petition stands dismissed.

11. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 15th, 2025

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes