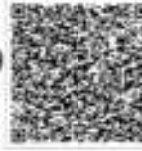


2025:PHHC:092169



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

SR. NO.104

**CRM-M-37623-2025 (O&M)
DATE OF DECISION:24.07.2025**

VARUN KUMAR SHARMA

...PETITIONER(S)

VERSUS

STATE OF HARYANA

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Amarsh Dudeja, Advocate
for the petitioner.

N.S. SHEKHAWAT, J.

1. Petitioner prays for grant of pre-arrest bail in FIR No.194 dated 19.07.2024 registered under Sections 22(c)/27A/29/61/85 of the NDPS Act at Police Station Sadhaura.
2. Learned counsel for the petitioner contends that the present FIR was registered on the basis of statement made by SI Jaswinder Singh. As per the FIR, Nek Mohd., co-accused, was apprehended by the police, while he was carrying 528 capsules of Tramadol HC weighing 320.76 grams without any permit or licence. He next submits that during the course of investigation, Nek Mohd suffered a disclosure statement and named Prince Sharma as the person from whom he had taken the medicines and accordingly, Prince Sharma was ordered to be arrested by the police. Thereafter, the disclosure statement of Prince Sharma was recorded and the petitioner was nominated as an accused in the present case. Learned counsel

next submits that in the present case, except the disclosure statement suffered by Prince Sharma, there is no other evidence against him and no recovery is to be effected from the petitioner.

3. Notice of motion.

4. On the asking of Court, Mr. Rajinder Kumar Banku, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and submits that the petitioner is a repeat offender and is also involved in two more criminal cases of similar nature, i.e. FIR No.226 dated 20.07.2024 under Section 22 C registered at Police Station Narangar, District Ambala and FIR No.153 dated 26.07.2024 under Section 22-B/29 of the NDPS Act registered at Police Station Raipur Rani, District Panchkula. He next submits that in the present case also, the police has to ascertain the *modus operandi* adopted by the smugglers in the present case and to know the names of accomplices, who were also involved in the present case.

5. I have heard the learned counsel for the parties and perused the case file minutely.

6. Hon'ble the Supreme Court in the matter of **State of Haryana Vs Samarth Kumar, 2022(3) RCR (Crl.) 991** has observed as follows:-

“8. In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh v. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.”

7. In the present case, Nek Mohd., co-accused, was initially apprehended by the police, while he was carrying 528 capsules of Tramadol HC weighing 320.76 grams, which is a 'commercial quantity'. During the investigation, he had named Prince Sharma as the source from whom he had taken the medicines and Prince Sharma was arrested. Later on, the name of the petitioner surfaced in the disclosure statement suffered by Prince Sharma and it was revealed that Prince Sharma had taken the medicines from the petitioner. Thus, in the considered opinion of this Court, the custodial interrogation of the petitioner would be required to unmask the *modus operandi*, names of the other persons involved in the crime and the source of supply as well. Apart from that, the petitioner is also involved in two more cases as noted above and therefore, the concession of anticipatory bail should not be granted to those accused, who are involved in several cases of drug smuggling.

8. Dismissed.

(N.S. SHEKHAWAT)
JUDGE

24.07.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO