

2025:PHHC:087585



108.

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

CRM-M-37624-2025

Date of decision: 17.07.2025

Karan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arun Kumar Gupta, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of BNSS, 2023, in case FIR No.135, dated 22.08.2024, under Section 21 of NDPS Act, 1985, registered at Police Station Sector 20, Panchkula, District Panchkula.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused, Sunny, from whom, recovery of 7 grams of heroin was said to have been effected. It has been contended that following the arrest of co-accused, Sunny, during his interrogation, he suffered disclosure statement claiming that the recovered contraband had been procured through the petitioner. Learned counsel has asserted that the disclosure statement, on the basis of which, he has been arraigned as an accused, holds little evidentiary value and thus, deserves to be discarded more so when it is not a case of the prosecution that the

petitioner either accompanying the co-accused at the relevant time or was in near vicinity of co-accused.

3. On being pointedly queried as to whether the petitioner has any previous criminal antecedents, learned counsel has fairly submitted that the petitioner is indeed facing trial in one other case under the NDPS Act which was registered in the year 2022; he is on bail in the said case and the petitioner came to be nominated as an accused in the present case during the time when he was on bail.

4. Notice of motion.

5. On the asking of the Court, Mr. Rahul Mohan, Addl. A.G., Haryana, accepts notice on behalf of respondent-State. Learned State counsel has vehemently opposed the prayer of the petitioner and has submitted that although the petitioner was not presented along with the co-accused and the recovery effected from co-accused is 7 grams of heroin which is intermediate, however, the very fact that the petitioner was on bail in another case under the NDPS Act leaves no manner of doubt that the petitioner is a habitual offender and has evidently misused the liberty granted to him in the pending case under the NDPS Act. Learned State counsel, on instructions, submits that the custodial interrogation of the petitioner would be warranted in the aforementioned facts and circumstances.

6. This Court concurs with the prayer made by the learned State counsel qua the custodial interrogation of the petitioner being necessitated in view of his previous criminal antecedents. This Court, therefore, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

7. Present petition stands dismissed accordingly.

8. 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.

**(MANJARI NEHRU KAUL)
JUDGE**

July 17, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No