



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-39730-2025

Reserved on : 20.08.2025

Pronounced on : 25.08.2025

SHAKEEL AHMED

...Petitioner

VERSUS

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, a co-accused in case bearing FIR No.283 dated 02.12.2024 registered against him at Police Station Nagina, District Nuh, u/s 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 336(3), 338, 340(2) of BNS, 2023 added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

On 02.12.2024, ASI Bijender Kumar of HSNCB along with other police officials were present at Badkali Chowk, Nuh, when they received a secret information that one Sakir and his wife Asma are indulging in illegal sale of banned narcotic drugs, as also that they have kept huge quantity of narcotics in their house. Believing the information to be true, notice under Section 42 NDPS was sent to Police Station Nagina. Gazetted Officer (Mr. Wali Mohammad, SDO, Public Health) Ferozepur Jhirka was called at the spot. Police team reached at



the house of Sakir at village Bhadas. On seeing them, a man jumped from the roof of the house and was successful in fleeing away. However, the lady Constable caught hold of the woman inside the house, who introduced herself as Asma, wife of Sakir. The house was searched and 54 boxes of Acetaminophen, Tramadol HCL & Dicyclomine HCL Capsules Spasmed were recovered. Each box had 240 Capsules and weight of 08 Capsule was 04.25 gram. The total weight of Capsules was found to be 6.885 Kg. The same were identified by the Drug Inspector Harish Kumar and were taken into police possession. Asma could not produce any valid permit or licence and disclosed that her husband Sakir used to bring drugs. Resultantly, a case bearing FIR No.283 dated 02.12.2024, u/s 22(c) of NDPS Act was registered at Police Station Nuh. After complying with the statutory formalities, aforesaid Asma was produced before the Court and was extended the concession of bail by the then learned Additional Sessions Judge, Nuh in terms of order dated 17.01.2025.

During the course of investigation, the entire record, regarding sale of the above drug was taken from manufacturer, namely, M/s Adelante Life Science Pvt. Ltd. It also came to the notice of the investigating agencies that the drugs had been sold by manufacturer to M/s Sunglow Enterprises, owned by one Prakash son of Purna. Licence of M/s Sunglow Enterprises when checked, which was found not be issued by the competent authority. Resultantly, Sections 336 (3), 338, 340(2) of BNS were added.

When co-accused Alim was arrested, he disclosed the name of the present petitioner, as also the role played by him. Based on the information given by him (Alim), one Ashik Ali owner of CSC Centre was joined in the investigation, who disclosed that Shakeel Ahmed (the present petitioner) and



Alim had come to his center on 30.01.2024 and had applied for a PAN card in the name of Prakash.

After collecting the relevant documents from the bank, it also came to the notice of the IO that at the time of opening the bank account, the live photograph of the account holder was taken, who also signed the certain documents. Probe also revealed that it was the petitioner whose live photograph was taken while opening the bank account and he had signed the documents. Statement of account of the said firm also revealed that there had been financial transactions from the said account, in the account of the petitioner.

Further probe revealed that the documents of M/s Sunglow Enterprises in the name of Prakash had been prepared by **Shakeel Ahmed (the present petitioner)**. The bank account and the account opening form also bore photograph of **Shakeel (the present petitioner)**. Thus, as per prosecution, both Shakeel and Alim misused documents of one Prakash and set up a firm under the name and style of Sunglow Enterprises, which in fact did not have any valid licence to sell the drugs. On the strength of the forged drugs licence, the two of them (namely, Shakeel – petitioner and Alim) used to procure the prohibited drugs and later used to sell the same illegally. The fake company was set up by them, by showing the Aadhar card and other related documents of Prakash. Investigating agency also searched for Prakash at the mentioned address (Prakash s/o Puran, resident of Village Talashpur Khurd, Post Aligarh, Uttar Pradesh) but no person by the name of Prakash was found to be residing there.

3. Apprehending his arrest in the said case, present petitioner, moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Nuh, which was dismissed in terms of order date 15.07.2025. Aggrieved



of the same, the present petition for grant of anticipatory bail has been filed by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely arrested as an accused only on the basis of disclosure statement of co-accused Alim, which is not admissible in evidence. Investigation conducted so far fail to establish any specific role of the petitioner in the commission of offences, the entire prosecution story is based on surmises and conjectures. Further co-accused Alim, on whose disclosure statement the name of the present petitioner cropped up, has already been granted concession of bail by the learned trial Court as has been co-accused (Asma), who was arrested at the site. Taking submissions further, learned counsel contends that accused-petitioner is ready and willing to join the investigation as and when called for by the Investigating Officer as also that his custodial interrogation is not required, for no recovery is to be effected from him. With these submissions, she prayed for allowing the present petition.

5. Status Report dated 12.08.2025 in the shape of affidavit of Mr. Pankaj Kumar, Deputy Superintendent of Police, HSNCB, Gurugram is already on reocrd. Learned State counsel has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the petitioner in collusion with the co-accused Alim, set up a fake firm under the name of M/s Sunglow Enterprises bearing licence No.WLF20B2022RJ000816, which during the course of investigation was found not to be issued by the competent authority. Not only the drugs licence was fake but on the strength of forged licence, the petitioner used to procure prohibited drugs from manufacturing companies and later used to sell it by illegal means.



In the documents collected during the course of investigation, one Prakash was shown to be proprietor of M/s Sunglow Enterprises, petitioner introduced himself as Prakash at the time of opening the bank account of the company and had also appended his signatures as Prakash. But in fact no person by the name of Prakash was found to be residing at the address so mentioned in the account opening forms. Most importantly, prior to setting up the firm, petitioner had applied for PAN card in the name of 'Prakash'.

Learned State counsel prays that in the light of the role played by the petitioner, his custodial interrogation is required to find out as to who all are involved in this Racket, as also to recover the documents of fake company M/s Sunglow Enterprises. Further as per learned State counsel, the past antecedents of petitioner are far from satisfactory; being involved in another case of like nature bearing FIR No.153 dated 01.05.2021, u/s 22 (c) of NDPS Act. With these submissions, he prays for dismissal of the present petition.

6. Before expressing any opinion on the submissions raised by learned counsel of the parties, it would be appropriate to refer to certain judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be



properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as **“Ms. X Vs. The State of Maharashtra and another”, (2023 SCC Online SC 279)** held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. In **Prasanta Kumar Sarkar's case (supra) (Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-

"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to



exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

In view of submissions advanced by learned State counsel, role played by the petitioner, as highlighted in para 2 of this order, documents placed on record, the Court is of the opinion that custodial interrogation of petitioner is necessary to find out as to who all are involved in this Racket. Petitioner has thus not been able to make out a case of exceptional depravity/hardship in his favour, entitling for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present petition stands dismissed.

(AARADHNA SAWHNEY)
JUDGE

25.08.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>