



CRM-M-52679-2025

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

CRM-M-52679-2025

Decided on: 25.09.2025

Pardeep @ Monu Dahiya

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurdarshan S. Sidhu, Advocate, for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.1129 dated 07.12.2022, registered under Sections 22 (C) of NDPS Act, 1985, at Police Station Civil Line, Sirsa, District Sirsa.

2. Succinctly, facts of the case are that on 07.12.2022 the police party while on patrolling when reached opposite Jaat Dharamshala, Sirsa, they saw a young boy standing with a backpack hanging on his right shoulder. On seeing the police, he got perplexed and started walking quickly. On suspicion, he was apprehended. On asking, he disclosed his name to be Rakesh. He was suspected to be carrying some contraband in his backpack and thus, on giving offer, search of the same was conducted and 50 bottles of Rx Chlorpheniramine Maleate Codeine Phosphate Syrup, MAVEREX cough Syrup were recovered. He failed to produce any licence regarding the possession of the same. Thus, on the registration of the FIR, he was arrested on the spot. He made a disclosure statement about involvement of one of his friend, namely, Arvind. Thus, Arvind was arrayed



an accused and was arrested on 05.02.2024. During the investigation, Arvind made a disclosure statement that he purchased the recovered contraband from Pardeep @ Monu Dahiya (petitioner) and thus, the petitioner was also arrayed an accused. However, the petitioner avoided his arrested. Apprehending arrest, the petitioner approached the Court of the learned Additional Sessions Judge, FTSC, Sirsa for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 04.09.2025. Hence, aggrieved against the said order, the petitioner is before this Court by of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner was arrested on spot, nor any recovery has been effected from him. However, he has been arrayed as an accused on the basis of disclosure statement of co-accused, which has no evidentiary value. He, thus, submits that there being no *prima facie* case having been made out against the petitioner, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the bail application. She submits that the FIR was lodged in the year 2022. It is submitted that during the investigation, complicity of the petitioner surfaced and the contraband recovered from the co-accused was found to have been supplied by the petitioner. However, rest of the two co-accused could be arrested, but the petitioner kept avoiding his arrest. It is submitted that no case for grant of anticipatory bail us made out and thus, the present petition deserves to be dismissed.



5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the contraband recovered from the co-accused is commercial quantity. Complicity of the petitioner has been found in the present case. It is the petitioner, who had supplied the contraband to the co-accused. Custodial interrogation of the petitioner is required to know the source from where he had brought the recovered contraband. Though, the co-accused has been granted regular bail, but he was duly interrogated and suffered incarceration of almost two years. Hon'ble Supreme Court in **The State of Haryana vs. Samarth Kumar, 2022 Livelaw (SC) 622** has held that in the cases like the present one, the accused may take advantage of facts like no recovery was effected from him and that he was implicated on the basis of disclosure statement made by the main accused, at the time of arguing regular bail application or at the time of final hearing after conclusion of trial.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for*



interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC

1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation qua the petitioner is at threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

25.09.2025

sharmila

(RAJESH BHARDWAJ)
JUDGE