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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.53466 of 2025
Date of decision: 22.09.2025

Rohit @ Jeetu ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mohan Singh Chauhan, Advocate,
for the petitioner.

Mr. Apoorv Garg, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
246	07.08.2025	Mahesh Nagar, District Ambala, Haryana	21(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

2. As per the allegations, on 07.08.2025, on receipt of secret information that the accused Rakesh was involved in the business of

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selling contraband i.e. heroin and on that particular day also, he was coming from Village Chandpura and was going towards Village Babial to sell heroin and could be apprehended along with the contraband, a raiding party was formed which reached at the informed place and apprehended the accused Rakesh. On conducting his search, 12.50 gram of contraband was recovered from him. The same was taken into custody. The accused Rakesh was formally arrested. He was interrogated and suffered disclosure statement on the basis of which the petitioner was nominated as an accused on the allegation that he had supplied contraband to the accused Rakesh. Investigation is going and is underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 06.09.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him as the same already stands effected. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Mr. Apoorv Garg, Addl. AG, Haryana has advance notice of

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the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is required. He has criminal antecedents. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to have supplied heroin to the co-accused. Recovery of intermediate quantity of heroin had been effected from the co-accused. The petitioner has criminal antecedents as one more case of similar nature has been registered against him. Evidence has been collected qua exchange of 87 calls between the petitioner and the co-accused Rakesh. The case is at its nascent stage. For conducting thorough and deeper probe in the matter and to ascertain the source of contraband as well as the details of the conversation having taken place between the petitioner and the co-accused, the custodial interrogation of the petitioner is must. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. In the present case, no exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that



the petition does not deserve to be allowed. Accordingly, the same is dismissed.

It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

22.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No