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

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CRM-M-58289 of 2025
Date of Decision: 18.11.2025

Sabbir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Rohit Choudhary, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.76 dated 20.03.2024 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 120-B and 201 of IPC, at Police Station Punhana, District Nuh.

2. Brief facts of the present case are that as per the prosecution, on the intervening night of 16/17.03.2024, on the basis of secret information, the police officials had intercepted one Tata Canter in which 596 Kg. 200 gram Ganja was lying. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was named in the FIR nor has any concern with the said offence. It has also been contended that the petitioner has been nominated as

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an accused only on the basis of the disclosure statement made by co-accused Tahir and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. No recovery is to be effected from the petitioner. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Nuh, vide order dated 10.09.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter, which is taken on record and while referring to the same, she has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. She argues that recovery of alleged contraband effected in the present case falls under the commercial quantity and as per the disclosure statement of co-accused, the petitioner along with other co-accused, namely, Khalil and Jameel, was jointly engaged in the business of narcotic drugs and was part of the organized network involved in the transportation of the contraband from Odisha to Haryana, which itself shows direct involvement of the petitioner in supply of drugs. Relying upon the status report, she further argues that the petitioner had provided shelter and storage facility for the contraband consignment in his house for which he was to receive Rs.2 lakhs from the co-accused. She submits that the petitioner has since been absconding from his house and multiple arrest warrants were issued against him and proclamation



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has also been issued against him. She further argues that custodial interrogation of the petitioner is required to ascertain the linkages in the business of selling and trading of narcotic drugs. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the disclosure statement of co-accused, the petitioner along with other co-accused, is indulging in the business of narcotic drugs and is part of the organized network involved in the transportation of the contraband. There are specific allegations against the petitioner that he had provided shelter and storage facility in his house for keeping the contraband and his custodial interrogation is required to unearth the *modus operandi* and to complete the investigation, which so far indicates involvement of the petitioner in the drug nexus.

8. There is steady increase of smuggling of illicit drugs in the country. The increasing instances of drug smuggling pose a grave threat not only to the general public but also impacts the youth of the nation. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer



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herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

18.11.2025

D.Bansal

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