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

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CRM-M-60882 of 2025

Date of Decision: 01.12.2025

Ravinder Ray @ Ravinder Kumar Ray

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

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

Mr. Mohit Chaudhary, AAG, Haryana.

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**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.568 dated 24.12.2024 registered under Section 20(b)(ii)(C)/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 318(4), 340(2) and 238 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Fatehabad, District Fatehabad.

2. Brief facts of the present case are that as per the prosecution, on 24.12.2024, ASI Sukhdev Singh, along with his fellow police officials was on patrolling duty and on the basis of secret information, apprehended two persons, namely, Rakesh Kumar and Devi Lal, who were found in conscious possession of 25 Kgs. 60 grams Ganja. Initially, the FIR in question was registered against the said co-accused Rakesh Kumar and Devi Lal.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that

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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 an accused only on the basis of the disclosure statement made by co-accused Rakesh Kumar 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. After registration of the FIR, investigation has been initiated and is under way qua the petitioner. 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, Fatehabad, vide order dated 09.10.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while referring to the same, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that total recovery in the present case is more than 157 Kg. Ganja. He further argued that recovery of alleged contraband in the present case was effected from co-accused Rakesh Kumar and Devi Lal, which falls under the commercial quantity and as per disclosure statement of co-accused Rakesh Kumar, he had purchased the said contraband from the present petitioner. Relying upon the status report, he further argued that CDR of co-accused Rakesh Kumar and Naresh Kumar was obtained and it was found that the present petitioner



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was in constant touch with them from 03.10.2024 to 24.12.2024 i.e. the date of FIR. He further argued 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 prosecution, the contraband i.e. Ganja which was recovered from co-accused Rakesh Kumar and Devi Lal was sold to them by the present petitioner. Apart from the disclosure statement, the CDR of the co-accused Rakesh Kumar and Naresh Kumar are on record to connect the present petitioner with the recovered contraband. The investigation *prima facie* 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 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/investigation.

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

**01.12.2025**

*D.Bansal*

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