



CRM-M-60594 of 2025

-1-

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

210

CRM-M-60594 of 2025
Date of Decision: 13.11.2025

Sombir

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Sandeep Kumar Tada, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, 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.569 dated 12.08.2025 registered under Section 22-B of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Hansi, District Hisar.

2. Brief facts of the present case are that as per the prosecution, on 12.08.2025, ASI Sanjay Kumar, along with his fellow police officials was on patrolling duty and on the basis of secret information, apprehended one person, namely, Joginder, who was found in conscious possession of 290 tablets of LORAZEPAM, weighing 222.17 grams. Initially, the FIR in question was registered against the said co-accused Joginder.

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

**CRM-M-60594 of 2025****-2-**

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 Joginder 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, Fast Track Special Court, Hisar, vide order dated 18.10.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record 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 recovery of alleged contraband in the present case was effected from co-accused Joginder, which falls under the intermediate quantity and as per his disclosure statement, he purchased the said contraband from the present petitioner, which shows the direct involvement of the petitioner in supply of drugs. Relying upon the status report, he further argued that CDR of co-accused Joginder was obtained and it was found that the present petitioner was in constant touch with the co-accused a day prior to the recovery and his whatsapp chats reveal that it was the petitioner who sent



CRM-M-60594 of 2025

-3-

Joginder the image of number plate of bus from where the alleged contraband was to be picked. 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. LORAZEPAM tablets which were recovered from co-accused Joginder was sold to him by the present petitioner. Apart from the disclosure statement, the whatsapp chat and CDR of the co-accused Joginder clearly proves the involvement of the present petitioner in the trade of narcotic drugs. 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*



CRM-M-60594 of 2025

-4-

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

13.11.2025
D.Bansal

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