



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

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CRM-M-62634-2025

Date of decision: 2nd December, 2025

Sumit Rathee

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parveen Sharma, Advocate for the petitioner.
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 699 dated 11.09.2025 registered under Section 21(b) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act added later on) at Police Station Kundli, District Sonipat.

2. As per the allegations, on 11.09.2025, while performing patrolling duty, a secret information was received by ASI Suresh Kumar on the basis of which a raiding party was formed which reached at the informed place and stopped a swift dzire car bearing registration No. DL-1RTC-1563. The driver of the same was apprehended and on asking, he disclosed his name as Amritpal Singh. Another occupant of the vehicle disclosed his name as Sourabh @ Anna. On conducting search, 43.32 grams of heroin was recovered from their conscious possession which was taken into police



possession. The above named accused were formally arrested. On interrogation, accused Sourabh suffered disclosure statement on the basis of which the present petitioner was nominated as an additional accused. Investigation qua the apprehended accused stands completed. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Sonipat which was dismissed vide order dated 27.10.2025.

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 the co-accused which cannot be considered to be admissible in evidence. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The rigors of Section 37 of NDPS Act are not attracted in this case. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that the petitioner is a habitual offender being involved in eleven other cases. His custodial interrogation is required for eliciting the information as to the source of the contraband as well as for conducting thorough and proper investigation in the matter. Call detail records between the petitioner and the co-accused have been collected during the course of investigation which *prima facie* show the complicity of the petitioner in the crime. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.



6. The petitioner is alleged to have been involved in the business of sale of contraband along with the co-accused who have since been arrested. He is sought to be implicated in this case on the basis of disclosure statement of the co-accused. The rigors of Section 37 of NDPS Act are not attracted in this case. Given the nature of the allegations against the petitioner, this Court is of the considered opinion that his custodial interrogation is not required. Accordingly, the petition is allowed and the petitioner is ordered to be admitted on bail subject to his surrendering before the Investigating/Arresting Officer and joining investigation within ten days from today and subsequent also as and when required. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS join investigation.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

2nd December, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*