



CRM-M-63423-2025 (O&M) -1-

(101+207)

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

**CRM-M-63423-2025 (O&M)
Date of decision : 12.12.2025**

SUMIT SHARMA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D.S. Malwai, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

MANISHA BATRA, J.

CRM-50115-2025

1. Learned counsel for the petitioner has filed application for placing on record Annexure P-10 to P-14.

2. The same is allowed subject to just exceptional circumstances and the documents annexed with the application are ordered to be placed on record as Annexure P-10 to P-14.

CRM-50116-2025

1. Learned counsel for the petitioner has filed application for exemption of filing the certified copies of Annexure P-10 to P-14.

2. Allowed as prayed for.



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CRM-M-63423-2025

1. The instant petition has been filed by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail in case arising out of FIR No.573 dated 16.08.2023 under Sections 29, 18, 27A of Narcotics Drugs and Psychotropic Substances Act (for short 'NDPS') registered at Police Station Thanesar Sadar, District Kurukshetra, on the allegations that on 16.08.2023 on the basis of secret information, the accused-Yashpal was apprehended alongwith canter No.PB-11CN-9625 and 20 Kg and 800 Grams of opium was recovered from the vehicle which was driven by him. The same was taken into custody. The accused-Yashpal was formally arrested. On interrogation, he suffered a disclosure statement on the basis of which the accused-Gurpritam Singh alias Gollu, Gurpreet Singh alias Goldy and Jujhar Singh alias Jujhari were nominated as additional accused and offence under Section 27A of the NDPS Act was added. The accused-Gurpreet Singh was arrested on 26.03.2025 and in his disclosure statement, he took the name of accused-Pushpa Bujel and Gurpreet Singh alias Bantu who were nominated as such. Accused-Gurpreet Singh alias Bantu was arrested and in his disclosure statement he disclosed that 8 Kg out of the opium which was to be supplied to the present petitioner. The present petitioner was nominated as such. Apprehending his arrest, he moved an application for grant of pre-arrest bail. He moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Kurukshetra vide order dated 01.11.2025.



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2. 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 coaccused which cannot be considered to be admissible in evidence. He is alleged to be prospective purchaser of some part of the contraband, however, there is nothing on record to connect him with the subject offences. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

3. Status report has been filed. It is argued by learned State counsel that there are specific and serious allegations against the petitioner. Commercial quantity of contraband was recovered, in this case. The rigors of Section 37 of NDPS Act are attracted. Learned State counsel has stressed on the call detail records between the petitioner and the co-accused showing his complicity in the entire crime. For conducting proper and thorough investigation, custodial interrogation of the petitioner is must. No extra-ordinary ground has been made out. It is, therefore, argued that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by both the counsel for the parties.

5. The petitioner is alleged to have been prospective purchaser of 8 Kg opium from the accused-Yashpal from whom the recovery of commercial quantity of contraband had been effected. Investigating Agency is relying upon the call detail record exchanged between the petitioner and the co-accused Gurpreet Singh alias Bantu. Copy of the



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call detail record is annexed with the status report. However, on the basis of these call records, the complicity of the petitioner cannot be stated to have been established, since there is no transcript of the calls so exchanged between him and the co-accused. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration, the clean antecedents of the petitioner and the above discussed facts, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. As such a case for grant of pre-arrest bail is made out in favour of the petitioner. The petition is allowed subject to the petitioner's surrendering before the Investigating Officer/Arresting Officer of this case within a period of 10 days from today and joining investigation within that period and also subsequently, as and when required and subject to furnishing personal as well as surety bonds to the satisfaction of the Investigating/Arresting Officer. He will also not tamper with any evidence, will not pressurize, induce, extend threats to any witness acquainted with the facts and circumstances of the case, will not leave the country, during investigation and trial of the case, except after seeking permission from the trial Court, shall disclose the details of his Aadhar Card No., Passport No., cellphone No., while furnishing bond to the learned trial Court and shall also abide by all the terms and conditions as envisaged under Section 482(2) of BNSS.

6. In the event of there being any FIR/complaint lodged against the petitioners, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.



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

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

**(MANISHA BATRA)
JUDGE**

**12.12.2025
Amit Sharma**

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