



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

CRM-M-63590-2025

Date of decision: 13.11.2025

KARNAIL SINGH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Vishavjeet S. Beniwal, Advocate for the petitioner.

Mr. Karan Veer Singh, Senior DAG, Haryana.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.701 dated 24.08.2024 under Sections 21(b)/27A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at Police Station Sadar Hisar, District Hisar.

2. Brief facts of the prosecution case are that on 24.08.2024, when ASI Hemraj along with other police officials was present in a government vehicle, he received a secret information that one Sunny @ Sallu son of Ratan Lal resident of Rampura Mohalla, Hisar gets heroin for customers from Piranwali village on commission and now he along with Parveen and Ajay has gone to village Piranwali to get the heroin in his e-rickshaw bearing No.HR 39F 3748 and thereafter, they all will be going to Hisar in the e-rickshaw via South Bypass. Accordingly, *nakabandi* was set up and all the accused were apprehended. Upon their search, a transparent waxy polythene containing 6.61 grams of heroin was recovered from co-accused Ajay's pants and a transparent



waxy polythene containing 6.68 grams of heroin was recovered from Co-accused Praveen's pants. Hence, the FIR was registered.

3. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case; he was not present at the time of occurrence and has also not been named in the FIR; the petitioner has been nominated in the present case on the basis of disclosure statement of co-accused, which is inadmissible in evidence; contraband recovered from co-accused falls under the category of non-commercial quantity and the petitioner is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the petitioner.

4. Upon advance notice, learned State counsel appeared on behalf of respondent-State and on instructions from SI Ramesh Kumar, opposed the prayer made by the petitioner by submitting that the petitioner has been named by co-accused being the supplier of the contraband. As such, the allegations against the petitioner are serious in nature as he is indulged in sale of contraband; the antecedents of the petitioner are not clean as he is involved in five more cases, out of which, two are under the NDPS Act and his custodial interrogation is required.

5. Heard.

6. Keeping in view the submissions made by learned State counsel and the fact that allegations are serious in nature; the petitioner is alleged to be involved in illegal activities under the NDPS Act i.e. sale of contraband; he is a habitual offender as he is involved in five more cases, out of which, two are under the NDPS Act and his custodial interrogation is required, this Court does not find merit, in view of law laid down by the Hon'ble Supreme Court



in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806***'
decided on 03.08.1997, wherein it has been held as under:-

"....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations 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 would not conduct themselves as offenders."

7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

November 13, 2025

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(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No