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CRM-M-5569-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5569-2026
Date of decision: 25.03.2026

JAGBIR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sandeep Saini, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

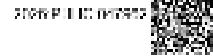
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RUPINDERJIT CHAHAL, J. (ORAL)

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.10 dated 09.01.2026 registered under Sections 20b (ii) B, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Industrial Area Bhiwani, District Bhiwani.

2. Brief facts of the present case as per the prosecution are that on 09.01.2026, PSI Ajay Kumar, along with his fellow police officials was on a patrolling duty and acting upon a secret information apprehended Gaurav @ Mithu and Akash who were found in conscious possession of 9.666 kgs of Ganja. Initially, the FIR in question was registered against the said co-accused persons.

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 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 persons and it is a trite law that disclosure statement of co-accused during his custodial interrogation is not admissible. No recovery is to be effected from the petitioner. 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. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by learned Special Judge under the NDPS Act, Bhiwani vide order dated 28.01.2026.

5. On the other hand, learned State counsel has filed the status report and while relying 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 the petitioner is the supplier of the recovered contraband and there are CDRs connecting the petitioner with the co-accused. He further argued that custodial interrogation of the petitioner is required for fair and proper investigation and to bust the drug nexus. He further submits that the petitioner is involved in multiple other cases, meaning thereby he is a habitual offender. 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 persons was supplied to them by the petitioner. Moreover, there are CDRs connecting the petitioner to the co-accused persons. The present petitioner is also alleged to be member of drug nexus and in order to crack the same his custodial interrogation is required.

8. 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.

25.03.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |