

CRM-M-6512-2026

2026:PHHC:046343

220 (1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

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Krishan

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 24, 2026

Date of Uploading: March 24, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Neeraj Chauhan, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (earlier Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.281 dated 12.07.2025, registered for the offences punishable under Sections 22(C), 29, 61 of the NDPS Act, 1985, at Police Station City Palwal, District Palwal, Haryana.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involved alleged recovery of 15 injections of Buprenorphine 2 ML each, 15 injections of Diazepam 2ML each and 06 injections of Avil from co-accused, namely, Harender. Said co-accused, in his disclosure, named co-accused, namely

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Udaybhan to be a person from whom Harender had purchased the recovered injections. Further, co-accused – Udaybhan, in his disclosure, nominated another co-accused, namely, Shahrukh to be a person from whom he had purchased the recovered contraband. Thereafter, Co-accused – Shahrukh nominated the petitioner in this case stating him a person from whom Shahrukh had purchased the recovered contraband.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that mandatory provisions of the NDPS Act have not scrupulously been complied with and, thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has not been named in the FIR in question. Learned counsel has further argued that the petitioner has been implicated solely on the basis of disclosure statement co-accused – Shahrukh alleging that he had purchased the contraband from the petitioner, which is *per se* not admissible in law, and, thus, the same cannot be the basis for implication of the petitioner. Learned counsel has iterated that the petitioner has nothing to do with the contraband in question. Learned counsel has further argued that there is not even an iota of evidence, available with the prosecution, to show complicity of the petitioner in the offence in question. Learned counsel has further iterated that alleged transactions between the petitioner and co-accused, namely, Shahrukh pertain to the year 2024; said transactions have no nexus or proximity with the alleged offence, and therefore, the petitioner has been falsely implicated in the FIR in question.

3.1. Learned counsel has further argued that during pendency of the petition in hand, vide order dated 04.02.2026, the petitioner has been granted

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concession of interim bail and pursuant thereto, the petitioner has joined investigation and cooperated therein.

3.2. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. *Per contra*, learned State counsel, while raising submissions in tandem with the reply by way of an affidavit dated 07.03.2026, has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. The relevant of the said reply reads thus:

“13. That the petitioner has been joined in the investigation by the investigating agency but he did not cooperate with the investigating agency. He failed to disclose from where he had procured the recovered injections and supplied them to accused Shahrukh. He is a habitual offender and has earlier been apprehended as a source in another case involving supply of injections. During police custody in FIR No. 659 dated 24.12.2024 under Sections 22C/29/61 NDPS Act, Police Station Adarsh Nagar, Faridabad, he had disclosed involvement of other persons. Merely obtaining batch details from the company and collecting injection data from across India is not sufficient to trace the actual accused without his truthful disclosure. He has admitted receiving approximately Rs.13 lakh through UPI from accused Shahrukh into his accounts for supply of medicines, yet has failed to produce any bill or supporting documents. The accused Krishan (petitioner) is deliberately concealing the truth and not cooperating in the investigation.”

Learned State counsel has, thus, argued that the petitioner has been specifically named as a person from whom co-accused – Shahrukh had purchased the recovered contraband and the petitioner has admitted of having received Rs.13 lakh through UPI from said Shahrukh, which shows clear complicity of the petitioner in the offence in question. Learned State counsel has further argued that, investigation, in the present case, is still under way and

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the petitioner is yet to be arrested. The petitioner does not bear clean antecedents. Given these circumstances, custodial interrogation of the petitioner is indispensable. Learned State counsel submits that, in case, the petitioner is accorded concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also attempt to influence/ intimidate the prosecution witnesses. Thus, the present petition is devoid of merit and is liable to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as *Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977*, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

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7. As per the case put forth in the FIR in question and upon perusal of the reply by way of an affidavit dated 07.03.2026, it is borne out that 15 injections of Buprenorphine (2 ml each), 15 injections of Diazepam (2 ml each), and 6 injections of Avil have been allegedly recovered from a co-accused, namely Harender. During investigation, the said co-accused Harender, in his disclosure statement, named another co-accused, Udaybhan, as the person from whom he had procured the recovered injections. Subsequently, co-accused Udaybhan, in his disclosure statement, implicated another co-accused, Shahrukh, alleging that he had purchased the contraband from him. Ultimately, co-accused Shahrukh, in his disclosure statement, nominated the present petitioner as the person from whom he had allegedly procured the recovered contraband. A perusal of aforesaid reply further reveals that admittedly, Krishan (*petitioner herein*) had received an amount of Rs.13,89,150/-, through UPI transactions, from co-accused – Shahrukh.

7.1. It has been stated by the State, while referring to the reply, that pursuant to the order dated 04.0.2.2026, the petitioner joined investigation but he has not cooperated therein inasmuch as the petitioner did not provide proper answers to the questions put forth by the Investigating Officer. Further, as per aforesaid reply, it has been stated that the petitioner has also failed to produce any bill or supporting documents to substantiate his version of having received Rs.13 lakh on account of selling of general products, cosmetic items and surgical products to co-accused – Shahrukh.

7.2. In view of the aforesaid chain of disclosure statements linking the petitioner to the alleged source of the contraband, coupled with the admitted receipt of a substantial amount of Rs.13,89,150/- through UPI transactions from

co-accused Shahrukh, the case in hand, *prima facie*, reflects complicity of the petitioner–Krishan in the alleged offence under the NDPS Act.

7.3. It is pertinent to note here that the petitioner was not named in the FIR, at the initial stage, and his name surfaced, subsequently, during the course of investigation, on the basis of the disclosure statement of co-accused, who specifically attributed the petitioner the role of selling of contraband in question. Though the petitioner was not apprehended at the spot, the allegations against him pertain to criminal conspiracy under Section 29 of the NDPS Act, which does not necessitate physical possession of the contraband. Further, the fact of the petitioner, admittedly, having received substantial amount of Rs.13,89,150/-, through UPI transactions, from co-accused – Shahrukh and the material collected so far reveal, *prima facie*, evidence of common intention and joint participation between the petitioner and co-accused, as reflected from the disclosure statement. In the considered view of this Court, the veracity of the disclosure statement and the extent of the involvement of the petitioner in the offence, are matters requiring thorough investigation, which can be effectively undertaken only through custodial interrogation. Such interrogation is essential to trace the origin, source and network of the contraband. At this stage, no material has been placed on record to demonstrate that the petitioner is completely unconnected with the offence and possibility of recovery of further contraband or discovery of incriminating material cannot be ruled out.

7.4. The plea of the petitioner that the confessional statement of the co-accused is inadmissible is devoid of merit, as, at the stage of consideration of anticipatory bail, the Court is not required to meticulously evaluate the admissibility of evidence, but only to examine whether *prima facie* material

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exists connecting the petitioner with the alleged offence. The investigation conducted, thus, so far, indicates the involvement of the petitioner in a well-organized network engaged in the illegal trade and distribution of psychotropic substances. The nature and gravity of the offence, coupled with the material collected on record, justify the necessity of custodial interrogation to unravel the larger conspiracy and to identify other potential co-conspirators. The allegations in the FIR, when viewed in conjunction with the available evidence, raise serious and substantiated concerns about the possible role of the petitioner in larger narcotics network, which cannot be brushed aside at this nascent stage of the investigation.

7.5. The offence committed by the petitioner is a serious offence, which has a direct adverse impact on society. The material available on record *prima facie* indicates the involvement of the petitioner in the commission of the alleged offence. Grant of anticipatory bail, at this stage, may hamper the investigation, particularly in view of the need for custodial interrogation to ascertain the source of contraband and possible/potential links with other persons involved in illegal drug trafficking. The NDPS Act prescribes stringent provisions keeping in view the menace of narcotic drugs and psychotropic substances.

8. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioner is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. Given the seriousness of the offence, the stage of investigation and possibility of tampering with

evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture.

9. It is befitting to mention here that while considering 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. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under, relevant whereof reads 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 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 offences would not conduct themselves as offenders.”

At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record, preliminary investigation and the petitioner having no clean antecedents, appear to establish a reasonable basis for his accusation. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.
11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 24, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No