

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

**CRM-M-11616-2026**

**Date of decision: 12.03.2026**

**RAKESH**

**....Petitioner**

**Versus**

**STATE OF HARYANA**

**....Respondent**

**CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, Sr. DAG Haryana.

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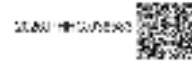
**RUPINDERJIT CHAHAL, J. (ORAL)**

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.47 dated 09.02.2026 registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kalyat, District Kaithal.

2. Brief facts as per the prosecution case are that, S.I. Vijay Kumar along with fellow police officials acting upon a secret information conducted a raid at the house of the petitioner. On search of his house, 31.52 grams of Heroin was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was not present at the spot nor has any concern with the said offence. 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 Additional Sessions Judge, Kaithal, vide order dated 18.02.2026.

5. On the other hand, learned State counsel has filed the status report and while relying upon 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 contraband has been recovered from the house of the petitioner. He further submits that petitioner is involved in multiple other cases, meaning thereby he is a habitual offender. He further argued that custodial interrogation of the petitioner is required to enquire about his role in the drug nexus. Hence, he prays for dismissal of the petition.

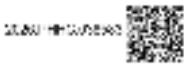
6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, the contraband i.e. Heroin has been recovered from the house of petitioner. Moreover, the petitioner is involved in multiple other cases. Custodial interrogation of the petitioner is required to bust the drug nexus.

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.

(RUPINDERJIT CHAHAL)  
JUDGE

12.03.2026  
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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |