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2026:PHHC:033573



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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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Ravindra Singh Saundhiya

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 05, 2026**Date of Uploading: March 05, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Sunil Goswami, 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.284 dated 11.04.2024, registered for the offences punishable under Sections 15, 25, 29 and 27-A of the NDPS Act, 1985 (Sections 29 and 27-A of the NDPS Act added later on), at Police Station Asandh, District Karnal.

2. The gravamen of the FIR in question is that upon receiving a secret information, to the effect that Paramjit Singh, in collusion with Jarnail Singh, was smuggling *Doda Post* (poppy husk) from Madhya Pradesh in

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vehicle No.HR-45D-2499 towards village Mandwal, the said vehicle was intercepted. The driver disclosed his name as Paramjit Singh and the other occupant as Satnam Singh. During search of the said vehicle, 11 plastic bags containing 110 kg of *Doda Post* were recovered, without having any permit or licence.

During investigation, the accused named – Jarnail Singh, was subsequently arrested based on the disclosure of aforesaid co-accused. During custodial interrogation, said Jarnail Singh disclosed that the main supplier was Ravinder @ Ravi (*petitioner herein*). A raid was conducted at his residence, however, he could not be apprehended.

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 alleging him to be supplier of the contraband in question, 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, which has been allegedly recovered from the vehicle 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.

3.1. 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 has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. Learned State counsel has argued that huge quantity of contraband was recovered from co-accused of the petitioner, and the petitioner has been named in disclosure of the co-accused – the petitioner being supplier of the contraband. Learned State counsel has further argued that, investigation, in the present case, is still under way and the petitioner is yet to be arrested. 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/ intimatethe 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. As per the case put forth in the FIR in question, upon receiving secret information, vehicle bearing No.HR-45D-2499 was intercepted – 11 plastic bags containing 110 kg of *Doda Post* were recovered – the driver disclosed his name as Paramjit Singh and the other occupant as Satnam Singh. The said co-accused nominated one Jarnail Singh, and said Jarnail

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Singh, in his disclosure, specifically named the petitioner as supplier of the contraband in question.

7. 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 supplier of the 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. The material collected so far reveals *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.

7.1. 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 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.

7.2. 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 and preliminary investigation, appear to establish a reasonable basis for his accusation. Thus, it is not appropriate to grant

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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 05, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No