

214

CRM-M-11617-2026

-1-



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11617-2026

Date of decision: 12.03.2026

ASHWANI KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. SPS Khaira, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

.....

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.178 dated 24.10.2025 registered under Sections 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Raipur Rani, District Panchkula (Annexure P-1).

2. Brief facts as per the prosecution case are that on 24.10.2025, ASI Jitender Kumar along with fellow police officials on the basis of secret information, apprehended one Joginder Singh and Vikas Singh who were on their vehicle. On search of the vehicle, 116 kgs and 885 grams of *poppy straw* was recovered. Hence, the present FIR.

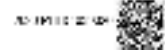
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that

the petitioner was neither present at the spot, nor was named in the FIR and

he has no concern with the said incident. He further contends that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Joginder Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his/her custodial interrogation is not admissible in evidence. No recovery is to be effected from the petitioner. Learned counsel for the petitioner further submits 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, Panchkula vide order dated 20.02.2026.

5. On the other hand, learned State counsel has filed the status report and 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 as he has been specifically named by the co-accused as purchaser of the recovered contraband. She submits that apart from the disclosure statement there are CDRs/CAF connecting the petitioner with the co-accused Joginder Singh as both were in constant touch and used to talk to each other before procuring the contraband. She has further argued that custodial interrogation of the petitioner is required to bust the drug nexus.



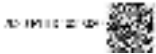
7. In the present case, the allegations against the petitioner are serious in nature as he has been nominated as purchaser of the recovered contraband. Apart from the disclosure statement there are CDRs/CAF between the petitioner and the co-accused person connecting him with the co-accused. The investigation so far points towards deeper probe for which custodial interrogation of the petitioner 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 and to bust the drug nexus.

9. There is steady increase in smuggling of illicit drugs these days. The increasing instances of drug smuggling in India pose a grave threat not only to the security of the nation but also impacts the youth of the nation.

10. 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."

11. 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.

12. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

12.03.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

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