



208

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

CRM-M-19387-2026

Jatin

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: May 13, 2026**Date of Uploading: May 13, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Dhruv Gupta, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG, Haryana.

SUMEET GOEL, J. (ORAL)

Apprehending his arrest in FIR No.67 dated 05.03.2026 registered for offences punishable under Section 21 (Section 29 added later on) of NDPS Act at Police Station Mahesh Nagar, District Ambala; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. The gravamen of the FIR in question is that on 05.03.2026, the police patrolling party headed by ASI Satyawan, on the basis of secret information, intercepted an motorcycle bearing registration No.HR-05BK-4661 which was being driven by accused Rahul son of Dharmender and police recovered 13 grams heroin from the right pocket of trouser worn by accused Rahul. The recovery proceedings were conducted in the presence of Shri Devraj, Naib Tehsildar, LIGH-MIGH, Ambala City, who discharged the duties of Gazetted Officer under Section 50 NDPS Act. As per the disclosure

statement of accused Rahul, he procured the said heroin/smack from accused Ashish @ Anda. Accused Ashish @ Anda disclosed the name of supplier as accused Aman @ Paudha in his disclosure statement. Accused Aman @ Paudha disclosed that he procured the contraband from accused Sandeep Kumar @ Kachu and petitioner-Jatin. Hence, petitioner (*herein*)—named entered in the present FIR.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as neither his name came up in the initial secret information nor was he named in the FIR. Learned counsel has further iterated that no recovery whatsoever has been effected from the conscious possession of the petitioner and that he was not present at the spot at the time of the alleged recovery. The entire prosecution case, according to learned counsel, rests solely on the disclosure and further disclosure statements of the co-accused, which are inadmissible in evidence. It has been further argued that the only basis for implicating the petitioner is the unsubstantiated disclosure statement of the co-accused, which by itself cannot form the foundation for prosecution or arrest. Learned counsel has emphasized that there are material contradictions and improvements in the prosecution version & nothing is to be recovered from the petitioner. According to learned counsel, the entire recovery stands effected from the co-accused and the contraband and all material/documentary evidence is already in possession of the investigating agency and hence the custodial interrogation of the petitioner is not at all required. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation and shall fully cooperate with the

investigating agency in case enlarged on pre-arrest bail. On the strength of these submissions, the grant of anticipatory bail is prayed for.

4. Learned State counsel has filed reply by way of an affidavit dated 11.05.2026, in this Court today, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature. She has further submitted that the petitioner is a part of the supply chain of contraband and custodial interrogation of the petitioner is necessary to unearth the source of procurement and other persons involved in the racket. It has further been submitted that the investigation is at a nascent stage, and there is sufficient material on record, collected during investigation, which indicate the petitioner's connection with the co-accused and, thus, the petitioner does not deserve the concession of the anticipatory bail. Relevant part of the aforesaid reply reads thus:

“20. That it is submitted that although the petitioner-accused joined the investigation on 17.04.2026 pursuant to the interim order dated 09.04.2026 passed by this Hon'ble Court, and his disclosure statement (Annexure R-5) has been recorded, the petitioner is required for further custodial interrogation, as in custody mobile phone alongwith sim number 85999-99328 can be recovered from the petitioner. It is most further submitted that the grant of anticipatory bail is not a matter of right and conduct of the petitioner subsequent to the grant of interim protection is of paramount relevance and cannot be overlooked by this Hon'ble Court. That within a few days of being extended the concession of interim anticipatory bail by this Hon'ble Court, FIR No. 121 dated 25.04.2026 under Section 21 of the NDPS Act was registered against the present petitioner, wherein 150 grains of heroin/smack was recovered from his conscious personal possession. The said conduct of the petitioner demonstrates beyond any doubt that he has grossly misused the concession of interim anticipatory bail granted by this Hon'ble Court and has continued to

indulge in large-scale narcotic trafficking with impunity. It is a well-settled principle that a person who exploits judicial protection to perpetuate the very offence for which bail was sought cannot be permitted to retain or be granted such protection. In such circumstances, the present petition for anticipatory bail deserves to be dismissed on this ground alone.”

5. I have heard counsel for the rival parties and perused the paper-book as also the record produced before me.

6. As per the case put forth in the FIR in question, serious allegations have undeniably been levelled in relation to the commission of offences under the NDPS Act. The petitioner has been nominated in the present case during investigation as a part of the alleged supply chain of narcotic substance. The allegations against the petitioner cannot be said to be vague or omnibus at this stage. The investigation is still in progress and the investigating agency is required to ascertain the source of contraband as well as the involvement of other persons connected with the alleged narcotic network.

Further, as per reply filed by the State, the petitioner was using Instagram for coordinating narcotic transactions and he has deliberately destroyed his mobile phone and sim in a drain. It is also indubitable that the petitioner, after having been afforded the concession of interim anticipatory bail, is found involved in other NDPS case wherein 150 grams of heroin has been recovered from his conscious personal possession.

Further, it is pertinent to note that the present 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 procurement of the contraband to the petitioner. 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. The alleged involvement of the petitioner, though emerging at a subsequent stage, is supported by investigative material that lends corroboration to the prosecution version. 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 the possibility of recovery of further contraband or discovery of incriminating material cannot be ruled out.

7. 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 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, viewed in conjunction with the available evidence, raise serious and substantiated concerns about the possible role of the petitioner in a larger narcotics network, which cannot be brushed aside at this nascent stage of the investigation. The allegations are of a grave and organized nature and the apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses, who may be vulnerable to coercion, does not appear to be unfounded. Having regard to the seriousness of the offence, the crucial stage of investigation, the possibility of tampering with evidence or obstructing justice and the overarching public interest in curbing the menace of drug trafficking, this Court is of the considered view that the petitioner does not merit the concession of anticipatory bail at this stage. Moreover, given the serious nature of the allegations, the custodial interrogation of the petitioner is indispensable for unearthing the broader conspiracy and identifying other potential accomplices whose identities may be within the exclusive knowledge or possession of the petitioner. The grant of anticipatory bail at this premature stage would, therefore, seriously prejudice the ongoing investigation and may potentially result in tampering with evidence or influencing material witnesses. Furthermore, the criminal antecedents of the petitioner are a relevant consideration while assessing the likelihood of repetition of offence and the necessity of custodial interrogation. The apprehension expressed by the prosecution that the petitioner may evade investigation or frustrate the process cannot be said to be wholly unfounded, especially considering the alleged role attributed to him in the supply chain.

8. The petitioner was earlier granted the concession of interim anticipatory bail by this Court, but the said concession has been misused by the petitioner, as he has been found to be involved in another NDPS FIR wherein 150 grams of heroin has been recovered from the conscious possession of the petitioner. *Ergo*, on this score as well, the interim anticipatory bail earlier afforded to the petitioner ought not to be granted.

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 for reaching impact of such alleged iniquities on 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 suggest that a *prima facie* case is not made out against the petitioner. On the contrary, the material collected during the course of investigation appears to establish a reasonable basis for the accusations levelled against him. In such circumstances, the grant of anticipatory bail at this stage would not be appropriate, as it is likely to cause serious impediment to the ongoing and 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 may be necessary to trace the source of supply of contraband & 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

May 13, 2026
Naveen

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No