

2026:PHHC:017869



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

202

CRM-M-34621-2025 (O&M)
Date of decision: 05.02.2026

Suresh Kumar Pandit **...Petitioner**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sunil Bhardwaj, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 90 dated 25.03.2025, registered under Section 20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sector 65, Gurugram.
2. As per the allegations, on 25.03.2025, on receipt of a secret information to the effect that one specially abled person was involved in sale of intoxicant substances and on that particular point of time, he was about to reach behind Bharat Petrol Pump, Buapur along with some intoxicants and could be apprehended, a raiding party was formed, which reached and found that a person with physical disability to be present there. He was apprehended. On interrogation, he disclosed his name as Ram Parvesh. On conducting

2026:PHHC:017869



personal search, 1 kg. 280 grams of Ganja was recovered from his conscious possession. He was formally arrested. He suffered disclosure statement admitting his involvement in the crime and on the basis of his disclosure statement, one Pradeep Kumar was nominated as accused.

3. During the course of further investigation, call details record of accused Ram Parvesh was obtained and the same revealed exchange of several calls between above named Pradeep Kumar and Ram Parvesh. Thereafter, Pardeep Kumar was arrested on 22.05.2025 and suffered disclosure statement on the basis of which the petitioner was nominated as accused. The call details record of the mobile phones of the petitioner and co-accused Pradeep Kumar also showed that there was exchange of several calls between them during the relevant period. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Gurugram, vide order dated 24.06.20258.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

5. Reply has been filed by the respondent-State. Learned State counsel has argued that the petitioner played an active role in commission of subject offence by functioning as a facilitator and conspirator in drug trafficking network. He had sold 1.5 kg. Ganja to co-accused Pradeep Kumar

2026:PHHC:017869



for a sale consideration of Rs.15,000/-. His complicity in the crime prima facie stands established not only on the basis of the disclosure statement of the co-accused but also by way of electronic evidence in the form of call details record between himself, co-accused Pradeep Kumar and Ram Parvesh. For the purpose of unearthing the entire trail of the network dealing in drug trafficking and for conducting proper investigation in the matter, the custodial interrogation of the petitioner is must. He does not have clean antecedents. No exceptional or extraordinary case has been made out in his favour for grant of anticipatory bail. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to be having a major role to play in the chain of supply of contraband. His antecedents are also not clean. The investigating agency has collected call details record of the petitioner with the co-accused, from whom the alleged recovery was effected, which shows his complicity in the subject crime. His custodial interrogation is required for conducting thorough and proper investigation in the matter. In case his custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of

2026:PHHC:017869



anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

05.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No