



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

CRM-M No.45614 of 2025

Date of Decision: 20.02.2026

Raj Kumar

..... Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. B.K. Bagri, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.10, dated 10.01.2025, under Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kalanaur, District Rohtak.

2. Succinctly the facts of the case are that the police while on patrolling on 10.01.2025 received a secret information to the effect that Suresh is involved in dealing of narcotic substance. It was informed that he was present outside New Prajapati Tobacco Shop near Ravidas Temple with huge quantity of contraband and if raid is conducted, he could be apprehended along with the contraband. On receiving the secret information, raid was conducted. A man with similar physical identification as disclosed by the informant, was seen. He was apprehended by the police party. On asking, he disclosed his name to be



Suresh. He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 1 kg 75 grams of *charas* and 7 kg 310 grams of *ganja*, were recovered from the polythene bags being carried by him. He failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. During investigation, complicity of the petitioner was surfaced who was found to be supplier of the contraband, thus, he was also arrayed as an accused. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Rohtak praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Rohtak dismissed the petition filed by the petitioner vide order dated 08.08.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him. However, he has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Suresh from whom recovery of 1 kg 75 grams of *Charas* and 7 kg 310 grams of *Ganja*, were effected. He submits that there is nothing incriminating to connect the petitioner with the alleged recovery. He



submits that the disclosure statement of co-accused is not even an admissible evidence. He thus, submits that there being no *prima facie* case made out against the petitioner, he deserves to be granted anticipatory bail.

4. Status report by way of affidavit of Mr. Pratik Agrawal, IPS, Assistant Superintendent of Police, Rohtak has been filed on behalf of respondent-State in the Court today, same is taken on record.

5. Learned State counsel has opposed the submission made by counsel for the petitioner and has submitted that as per the investigation conducted so far, complicity of the petitioner surfaced on the basis of disclosure statement of co-accused Suresh, from whom recovery of 1 kg 75 grams of Charas and 7 kg 310 grams of Ganja were effected. The alleged recovery effected in the present case is of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He submits that the petitioner used to supply the narcotic substance to co-accused, Suresh. He submits that petitioner used to talk with co-accused Suresh, on his mobile phone and call detail record has been found between both of them, which shows their location at the time of alleged occurrence. He submits that the petitioner is facing prosecution in one more case, which is also of similar nature. He submits that *prima facie* complicity of the petitioner has been established. He has further submitted that in pursuance to the order dated 13.02.2026 passed by this Court, the petitioner has joined the investigation, however, he did not cooperated in the same and thus, he is not entitled to the relief of



anticipatory bail. He submits that no case for the grant of anticipatory bail to the petitioner is made out and thus, the present petition being devoid of merit deserves to be dismissed

6. On hearing the counsel for the parties and perusing the record, it is deciphered that the complicity of the petitioner has been found in the present case during investigation on the basis of disclosure statement of co-accused, namely, Suresh, as the petitioner used to supply narcotic substance to him and on the basis of the same, he was implicated as an accused in the present case. As submitted before this Court, the petitioner is involved in one more case, which is also under the NDPS Act, which shows that the petitioner is habitual in committing such kind of offences. The alleged recovery effected in the present case is of 1 kg 75 grams of *Charas* and 7 kg 310 grams of *Ganja*, which falls under the category of commercial quantity. Also, there are call detail records between the petitioner and the co-accused, namely, Suresh (annexed as Annexure R-3 of the status report) which shows that the petitioner was in regular touch with main accused and on the basis of the same, his complicity further strengthens. Perusal of the status report would show that after completion of investigation, challan against accused-Suresh has been filed under Section 20(b)(ii)(c) of NDPS Act, on 04.07.2025 and charge was also framed under Section 20(b)(ii)(c) of NDPS Act. In all there are 20 witnesses, however, none has been examined till now. Vide order dated 13.02.2026, petitioner was granted interim anticipatory bail with a direction to join the investigation on 16.02.2026 and cooperate in



the same. In compliance of the said order, the petitioner has joined investigation, however, neither he cooperated in the same nor he disclosed about the mobile phone used by him or the supplier from whom he bought the narcotics substance. The custodial interrogation of the petitioner is very much required. Needless to say that the case is under investigation.

7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*



8. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state"*



are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

9. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.02.2026

ps-I

(RAJESH BHARDWAJ)
JUDGE

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