



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.65863 of 2025
Date of decision: 29.01.2026

Harpreet Singh ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Harshit Ahuja, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
148	05.10.2025	Behal, District Bhiwani	21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. As per the allegations, on 05.10.2025, on receipt of a secret

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information to the effect that accused Ravi was involved in the business of sale of intoxicating substances and at that point of time also, he was present behind his house with intent to sell some intoxicating substance and could be apprehended, a raiding party was formed after completing due formalities which reached at the informed place and apprehended the above named Ravi. Recovery of 23 grams of heroin was effected from his conscious possession which was taken into custody. He was formally arrested. On interrogation, he suffered a disclosure statement to the effect that the recovered contraband had been supplied to him by the present petitioner. The petitioner was nominated as accused. The details of bank account of the accused Ravi were collected and it was revealed that as on the day of occurrence, he had transferred an amount of Rs.2500/- in the bank account of the present petitioner through UPI and had transferred an amount of Rs.2,31,000/- in his bank account during the period from 01.09.2025 to 05.10.2025. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Bhiwani vide order dated 10.11.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence.

The rigors of Section 37 of NDPS Act are not attracted in this case. His

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custodial interrogation is not required. No recovery is to be effected from him. He joined investigation earlier also as per the orders of learned Additional Sessions Judge and is still ready to join investigation. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Haryana has vehemently argued that the allegations against the petitioner are serious in nature. The co-accused Ravi who was apprehended with contraband had transferred an amount of Rs.2,31,000/- in his bank account during the relevant period. The matter is still under investigation. For eliciting information as to source of contraband and for conducting thorough investigation, the custodial interrogation of the petitioner is must. No exceptional or extraordinary ground for grant of pre arrest bail is made out. The petitioner has even manipulated the particulars regarding his parentage as in another case bearing FIR No.40 dated 05.03.2021 as registered against him at Police Station Sadar Ratia, the name of his father is mentioned as Gurmail Singh whereas in this case, it is mentioned as Tara Singh. Verification has been made from Village Peerawali which is mentioned as his address in the Aadhar Card but he has not to be found to be son of Tara Singh. It is, therefore, argued that the petitioner is not entitled for discretionary relief of anticipatory bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have supplied contraband to the co-

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accused Ravi on 05.10.2025. The investigation that has been conducted so far, reveals that an amount of Rs.2,31,000/- had been transferred by co-accused Ravi in the bank account of the petitioner during the period from 01.09.2025 till 05.10.2025. The petitioner's counsel has not been able to explain this transfer in any manner whatsoever. He has even not been able to say that the father of the petitioner is known by the name of Tara Singh or not, as claimed by him. The petitioner was tried to be joined into investigation as per order of learned Additional Sessions Judge but had not cooperated with the same. The case is at its nascent stage. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary 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's 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 anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The custodial

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interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. 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. Keeping in view the gravity thereof, the role attributed to the petitioner, the likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.01.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No