



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

106

CRM-M-71242-2025(O&M)
DATE OF DECISION: 15.01.2026

Dimpi

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr. Rajesh Lamba, Advocate, for the petitioner.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.431 dated 12.11.2025 under Sections 20(b), 27-A of NDPS Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.

2. Learned counsel for the petitioner contended that the petitioner has been named in the disclosure statement of the co-accused namely Mukesh Kumar @ Kala and Monu @ Moni. A recovery of 01 kg 700 grams of ganja has been made from Mukesh Kumar @ Kala whereas 01 kg 500 grams of ganja has been recovered from Monu @ Moni; the petitioner has not been named in the FIR and nothing is to be recovered from him; except the disclosure statement, there is no other evidence against the petitioner and therefore, prayer for grant of anticipatory bail to the petitioner is made.



3. Notice of motion.

4. In pursuance of advance notice, Mr. Karan Veer Singh, Sr. DAG, Haryana, appeared and accepted notice on behalf of respondent/State and submitted that investigation is still going on; petitioner is required for custodial interrogation as recovery of 1 kg 500 gms of ganja was effected from the co-accused namely Monu @ Moni and 01 kg 700 grams of ganja has been made from Mukesh Kumar @ Kala, on whose statement the present petitioner has been nominated; the petitioner is a habitual offender and has remained involved in 10 more cases and has already been convicted in 03 cases registered under Section 174-A IPC, as such, there is likelihood that in case, the petitioner is granted the concession of bail, he may abscond. Hence, prayed for dismissal of present bail petition of the petitioner.

5. Heard.

6. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case, contentions of learned counsel for the petitioner as well as of learned State counsel; gravity of offence and antecedents of the present petitioner, this Court does not find any merit to allow the petition for grant of anticipatory bail to the petitioner.

7. In **Pratibha Manchanda & Anr. versus State of Haryana & Anr. [2023(3) RCR(Criminal) 511]**, while dealing with a petition for cancellation of anticipatory bail granted by the High Court, Hon'ble Supreme Court observed that while granting anticipatory bail Courts should consider factors such as the nature and gravity of the offences. The relevant extract of the Pratibha's case is reproduced as under:

“In **Siddharam Satlingappa Mhetre v. State of Maharashtra (2011) 1 SCC 694**, this Court carefully considered the principles



established by the Constitution Bench in **Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565** case. After a thorough deliberation, this court arrived at the following conclusion:

"112. The following factors and parameters can be taken into consideration while dealing with anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) The possibility of the applicant to flee from justice;
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;
- (vi) Impact of grant of anticipatory bail, particularly in cases of large magnitude affecting a very large number of people.

xxx xxx xxx"

18. In **Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731**, the Constitution Bench of Supreme Court of India, reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests



in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”

8. Moreover, custodial interrogation of the petitioner is necessary for effecting proper investigation as source of contraband is yet to be known, hence petitioner is not entitled for discretionary relief of anticipatory bail. In “**C.B.I. vs. Anil Sharma**”, 1997(7) SCC 187, the Hon’ble Supreme Court emphasized the importance of custodial interrogation by holding that many useful information and concealed materials may be elicited from a suspect in custody, than a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

9. Further, Honble Apex Court in **Anarul S.K. Vs. The State of West Bengal** (SLP (Crl.) No.12621-2024 has observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue.

9. In view of aforesaid discussion, there is no merit in the present petition; the same is hereby dismissed.

10. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

15.01.2026

Sonia Puri

(SUBHAS MEHLA)

JUDGE

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