

2025:PHHC:105117



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

**CRM-M-40127-2025 (O&M)  
Reserved on : 11.08.2025  
Pronounced on : 19.08.2025**

**Gautam**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sudhir Rana, Advocate  
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

**MANISHA BATRA, J.**

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. 317 dated 27.09.2024, registered under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bawal, District Rewari.

2. Brief facts of the case relevant for the disposal of the present petition are that on 27.09.2024, on the basis of secret information, co-accused Devdutt, while coming on an Activa scooter bearing registration number HR-36-AC-3908, was apprehended by a police party and recovery of 480 intoxicating capsules of Tramadol HCL was effected from him. Since he could not produce any valid permit or license to keep in his possession the recovered drug, he was formally arrested at the spot. During the course of investigation, it was found that the said scooter was registered in the name of one Hemant

2025:PHHC:105117



but he had sold the same to co-accused Devdutt. During analysis of the calls details record of the co-accused, it was also found that he used to make video calls to the present petitioner through Whatsapp and had also transferred an amount of Rs. 7,000/- in the account of brother of the petitioner, namely Gaurav. Although, the mobile number, being used by the petitioner was registered in the name of one Sanjay but the same was being used by the petitioner. On the basis of the same, the petitioner was nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Rewari but the same had been dismissed, vide order dated 10.07.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of pre-arrest as his custodial interrogation is required for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

2025:PHHC:105117



5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The allegations against the petitioner are that he had facilitated the supply of the recovered contraband to the co-accused by introducing him with aforesaid Pehalwan. During investigation, it has been found that he had made several video calls to the petitioner on a number, which was otherwise registered in the name of some other person. Co-accused Devidutt had also transferred an amount of Rs.7000/- in the account of brother of the petitioner. Apart from the present case, the petitioner is shown to be involved in two more cases under the NDPS Act. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour for grant of pre-arrest bail. Rather, his custodial interrogation is required for conducting proper investigation in the matter and also for effecting further recovery of the contraband, if any. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, 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. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance

2025:PHHC:105117



entitling the petitioner to seek concession of pre-arrest bail has been made out.

Accordingly, finding no merit, the petition is dismissed.

7. 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.

**19.08.2025**

*Wasim Anwar*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*