

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:105603



205

CRM-M-28680-2025 (O&M)

Date of Decision: 13.08.2025.

Rafique Khan

...Petitioner.

Versus

State of Haryana

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Gazi Mohd. Ummair, Advocate for the petitioner.

Mr. Pawan Kumar Garg, DAG, Haryana.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.80 dated 28.04.2025, under Sections 21(b) and 27A of the NDPS Act, registered at Police Station City Sadar Tohana, District Fatehabad.

As per prosecution case, on 27/28.04.2025, co-accused Baljeet Singh and Anil Kumar were apprehended by the police and 36 grams 60 miligrams of opium was found in possession of Baljeet Singh. The petitioner was nominated as an accused in the present case only on the basis of disclosure statement of co-accused.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused, which is not admissible in law. No recovery has been effected from the petitioner. He prayed that custodial

interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 23.05.2025 and status report was called from the State, which was filed on 05.06.2025 in the Court and the same is taken on record.

Learned State counsel opposed the bail application and submitted that the name of the petitioner surfaced in the disclosure statement suffered by co-accused Baljeet Singh, Anil Kumar, who were apprehended by the police, being in possession of contraband i.e. 36 grams 60 miligrams of heroin. During investigation, co-accused suffered a disclosure statement, as per which Baljeet Singh had purchased the alleged contraband from the petitioner and as such he is not entitled to the concession of anticipatory bail.

Heard.

The perusal of the status report reveals that eight more cases has been registered against the petitioner but he has been acquitted in four cases including under NDPS case. Along with status report copy of disclosure statement of co-accused Baljeet Singh (Annexure R-1) and Anil Kumar (Anneuxre R-2) have been appended. The alleged recovery of 36 grams 60 miligrams of Heroin falls within the non commercial quantity. The name of the petitioner surfaced in the present case only on the basis of disclosure statement suffered by co-accused Baljeet Singh and Anil Kumar, which is not admissible in law and there is no other material on record against the petitioner to connect him with offence in the present case. In the absence of any other material on record, it is not made out that the petitioner had been in touch with co-accused, for indulging in trafficking and

supplying of the contraband. The custodial interrogation of the petitioner is not required for any purpose and nothing is to be recovered from him. So no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

(SUKHVINDER KAUR)
JUDGE

13.08.2025.

Komal

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