



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-23892-2025
Date of decision: 03.05.2025

Ashwani @ MattuPetitioner
Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.252 dated 21.04.2025 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Shahabad, District Kurukshetra.

2. Learned counsel for the petitioner *inter alia* contends that the petitioners false implication in the present case is evident from the fact that he was not named in the secret information which was received qua the involvement of co-accused Jatin in drug trafficking. On receipt of the secret information, the police nabbed co-accused Jatin from whom a recovery of just 10.31 grams of heroin was then allegedly effected. It has been asserted by the learned counsel that it is not even the case of the prosecution that the petitioner was either accompanying co-accused Jatin at the relevant time or was anywhere in the near vicinity when the alleged contraband was recovered from co-accused Jatin. Instead, the petitioner was falsely implicated as an accused on the



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basis of a disclosure statement allegedly suffered by co-accused Jatin who claimed that the recovered contraband had been supplied to him by the petitioner. Learned counsel has argued that the evidentiary value of the disclosure statement is of an extremely weak nature.

3. On a pointed query put to the learned counsel for the petitioner as to whether the petitioner has any previous criminal antecedents, he has conceded that the petitioner is indeed involved in three criminal cases out of which two are under the NDPS Act. However, he submits that in the two cases registered under the provisions of NDPS Act, the petitioner also was nominated as an accused on the basis of a disclosure statement.

4. Notice of motion.

5. On asking of the Court, Mr. Karan Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted, on instructions, that no doubt the petitioner was not named in the secret information, however, his name surfaced in the disclosure statement of co-accused Jatin. The petitioner was on bail in the other criminal cases, including the cases under the NDPS Act when yet again he committed another offence under the NDPS Act. Hence, it is abundantly clear that the petitioner is a habitual offender and has been persistently misusing the liberty which has been granted to him in the other cases registered against him under the NDPS Act.

7. I have heard learned counsel for the parties and perused the



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relevant material on record.

8. Upon thoughtful consideration of the rival submissions advanced and perusal of the material on record, this Court finds no ground to extend the extraordinary concession of anticipatory bail to the petitioner.

9. It is undisputed that the petitioner was neither named in the secret information received by the police nor was he apprehended at the spot with co-accused Jatin, from whom a recovery of 10.31 grams of heroin was allegedly effected. However, the petitioner has been specifically named by co-accused Jatin in his disclosure statement as the person who had supplied him the recovered contraband. Though it is trite law that disclosure statements by themselves may not constitute substantive evidence, such statements do furnish a relevant link in the chain of events which cannot be ignored altogether, especially at this stage when investigation is pending.

10. What further militates against the petitioner's prayer for anticipatory bail is the fact, candidly admitted by learned counsel for the petitioner, that he is involved in as many as three other criminal cases, two of which are under the NDPS Act. Significantly, in the two cases registered under the NDPS Act, the petitioner had similarly been implicated on the basis of disclosure statements. Though final adjudication of those cases is pending, the recurrence of similar allegations in the present case, while the petitioner was already on bail in those cases, *prima facie* indicates a continuing pattern of criminal conduct.



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11. The material on record *prima facie* suggests that the petitioner is not a mere addict or a passive participant, but rather a supplier of narcotic substances. The allegation that he had supplied the contraband recovered from co-accused Jatin, when viewed in conjunction with his previous involvement in other NDPS cases, points towards his deeper and repeated involvement in illicit drug trafficking activities.

12. This Court is, therefore, of the considered view that the custodial interrogation of the petitioner would be imperative for the investigating agency to unearth the full extent of the role of the petitioner, his possible nexus with organized drug networks, and to trace the source and destination of the contraband. Grant of bail at this stage would not only impede the ongoing investigation, but may also embolden the petitioner to commit further offences, as has allegedly occurred in the past.

13. In view of the seriousness of the allegations, the criminal antecedents of the petitioner involving similar offences, and the apparent misuse of liberty granted in earlier cases, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.05.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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