



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

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CRM-M-47932-2025 (O&M)  
Date of decision: 29.08.2025

Jaspal Singh

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Arun Kumar Gupta, Advocate for the petitioner

Mr. B.S. Saroha, DAG Haryana

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**AMAN CHAUDHARY, J. (ORAL)**

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.362 dated 19.07.2025, registered under Sections 15, 58(2), 61 and 85 of NDPS Act, at Police Station Krishana Gate, Thanesar, District Kurukshetra.

2. Briefly put, the facts of the case are that on 19.07.2025, during patrolling duty, on suspicion, co-accused Satish Chand and Deepak Kumar were apprehended and upon their search, Poppy Straw/Husk weighing 8 kg, 760 grams and 8 kg, 870 gm respectively has been recovered from them. Thereafter, they, in their disclosure statement, stated that the petitioner had ordered the contraband from them. On the basis of this information, he has been nominated in the present case.

3. Learned counsel contends that the petitioner was not apprehended at the spot. It is the co-accused namely Satish Chand and Deepak Kumar, from



whom the contraband was recovered, who had named him in their disclosure statement, which is not admissible and thus, there is no evidence against the petitioner regarding his complicity in the present case in view of **Tofan Singh vs. State of Tamil Nadu**, (2021) 4 SCC 1.

4. Learned State counsel opposes the prayer on the ground that the co-accused from whom the recovery of the contraband was effected had stated that the petitioner had ordered the poppy straw/husk and there were calls/whatsapp conversations between them and that he is involved in three more cases, 2 of which are under the NDPS Act. Custodial interrogation of the petitioner is required in the instant case to find the source of origin, the entire chain of supply of contraband and the other drug peddlers involved, if any. There is every possibility of the petitioner fleeing from justice.

5. Heard.

6. It is apposite to make a reference to the order of Hon'ble The Supreme Court of India in the case of **Prabhulal vs. Central Bureau of Narcotics**, wherein the SLP (Crl.) 6744-2022 was dismissed vide order dated 14.12.2022, affirming the order of dismissal of anticipatory bail by Madhya Pradesh High Court, by observing thus:-

“We have heard learned counsel for the parties. We find no reason to grant pre-arrest bail to the petitioner as prayed for. The Special Leave Petition is, accordingly, dismissed.

The interim protection granted by order dated 11.10.2022 stands vacated in view of the dismissal of the special leave petition.

However, if the petitioner surrenders and apply for regular bail, the same may be considered by the Trial Court as expeditiously as possible on its own merits in accordance with law.”



7. Furthermore, a gainful reference be made to **State of Haryana vs. Samarth Kumar**, 2022 (3) R.C.R. (Criminal) 991, wherein Hon'ble the Supreme Court of India has held thus:-

“7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. In cases of this nature, the respondents may be able to take advantage of the decision in *Tofan Singh vs. State of Tamil Nadu* (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into error in granting anticipatory bail to the respondents.

10. In view of the above, the appeals are allowed. The impugned orders are set-aside. As a consequence, the Appellant –State is entitled to take steps, in accordance with law.”

8. In the case in hand, though name of the petitioner has surfaced based on the disclosure statement of co-accused Satish Chand and Deepak Kumar, who were apprehended at the spot and recovery of the 8 kg, 760 gms and 8 kg, 870 gms respectively of Poppy Straw/Husk, has been effected from them, who had categorically disclosed that he had ordered the same and there were calls exchanged between them. Even, the petitioner is involved in 2 more cases under the NDPS Act, besides another criminal case. The sole ground taken for grant of anticipatory bail that the disclosure statement of co-accused is inadmissible, has no force, in view of the decisions of Hon'ble the Supreme Court in the cases of **Prabhulal** and **Samarth Kumar**(supra). The investigation is at a nascent stage and his custodial interrogation is imperative so as to complete the chain of supply



and also to ascertain the persons who may be involved in this nexus. In case, the petitioner is granted the concession of anticipatory bail then prejudice would be caused to the case of the prosecution.

9. In **Dinesh Chander vs. State of Haryana**, CRM-M-5507-2025, a case involving recovery of commercial quantity of contraband from the co-accused, on whose disclosure the petitioner therein was nominated, this Court declined to grant anticipatory bail on 05.05.2025 and the SLP (Crl.) 9540-2025, filed against which also came to be dismissed on 07.07.2025, on the ground there to be no error in the same.

10. The stringent provisions as contained in the statute, are to deal with the drug menace plaguing the society, as the youth are being led on a path having deleterious effects, thereby destroying the very social fabric.

11. Keeping in view the facts and circumstances and the judgments referred to above, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. As a sequel thereto, the present petition being bereft of merit, is hereby dismissed.

**(AMAN CHAUDHARY)**  
**JUDGE**

**29.08.2025**  
M.Kamra

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