



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

209

CRM-M-51923-2025

Date of decision: 25<sup>th</sup> September, 2025

Sanjay Singh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Mohan Singh Rana, Advocate for the petitioner.  
Ms. Himani Arora, Deputy Advocate General, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 210 dated 28.08.2025 registered under Sections 21(b) and 27-A of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station City Ratia, District Fatehabad.

2. The aforementioned FIR was registered on the allegations that on 28.08.2025, a secret information was received by ASI Manish on the basis of which accused Shamsher Singh @ Sheru was apprehended and 10 grams and 01 milligram of heroin was recovered from him. He was formally arrested and interrogated. He suffered disclosure statement on the basis of which, the petitioner was nominated as an accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Special Judge, Fatehabad, which was dismissed vide order dated 09.09.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of



the co-accused, which cannot be considered to be admissible in evidence. He is not involved in any other case of similar nature. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. The alleged recovered contraband is not of commercial quantity. It is, therefore, urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that custodial interrogation of the petitioner is must for conducting thorough and proper investigation in the matter and for recovery of sale proceeds of Rs. 15,000/-. The petitioner has been involved in several other cases under the provisions of IPC and Arms Act. No extraordinary or exceptional circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have supplied non commercial quantity of the contraband to the accused Sher Singh for a sum of Rs. 15,000/-. He is also alleged to have abetted consumption and distribution of narcotic substances. The petitioner has not been involved in any other case of similar nature. It is well settled proposition of law while considering an application for grant of bail, the nature of the accusations, severity of punishment, the circumstances peculiar to the accused and danger of his absconding or fleeing is to be seen. The rigors of Section 37 of NDPS Act cannot be stated to have been attracted in this case. The veracity of the disclosure statement as suffered against the petitioner has to be tested during the course of trial. Given the nature of the allegations as levelled against the



petitioner, the extent of his involvement and the attendant facts and circumstances of the case, this Court is of the considered opinion that the pre-trial incarceration of the petitioner is not required and a case is made out for grant of pre-arrest bail. Accordingly, the petition is allowed. The petitioner is directed to surrender before the Investigating/Arresting Officer within a period of ten days from the date of passing of this order to join investigation and on his surrender within that period, he shall be released on bail by the Investigating/Arresting Officer on furnishing bonds to his satisfaction. Further, the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer and he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**25<sup>th</sup> September, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned* : *Yes / No*  
2. *Whether reportable* : *Yes / No*