



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

**CRM-M-27248-2025**

**Date of Decision:19.05.2025**

Karan @ Karni

...Petitioner

vs.

State of Haryana

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present: Mr. Narender Kaajla, Advocate  
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.171, dated 03.05.2025, under Sections 21(b) of NDPS Act and 27-A of NDPS Act added later on, registered at Police Station City Fatehabad (Annexure P-1).

2. The F.I.R in the present case was registered on the basis of the statement made by S.I Vedpal and the same has been reproduced below:-

*“To, The Station House Officer, City Police Station, Fatehabad. Jai Hind. Today, on 03.05.2025, I, Sub-Inspector, along with Constable Punit No. 1068, Constable Rahul No. 1019, EHC Kashmir No. 471 and government vehicle No. HR22GV7822 with driver EHC Kuldeep Singh No. 927, was present near Ratia Chungi, Fatehabad for patrolling and crime investigation duty. During this time, an informer approached and informed us that Gurmeet Singh, son of Diwan Chand and resident of Guru Nanak Pura Mohalla, Fatehabad, is involved in selling intoxicating substances from his house. If a raid is conducted immediately, he*

can be caught red-handed with the illegal substances. Believing the information to be true and reliable, I, undersigned Sub Inspector, formed a raiding party with the accompanying officials and prepared a notice under Section 42 of the NDPS Act. The notice is being sent through EHC Kashmir Kumar No. 471 to the City Police Station, Fatehabad, for information and necessary action. Issue a copy of the report registered in the daily diary regarding the Section 42 NDPS Act, and inform the concerned officers accordingly. After apprising the raiding party about the information provided by the informant, we reached the location mentioned by the informant. There, we saw a person standing at the door of the house who, upon seeing the police team, became nervous and quickly tried to go inside the house. On suspicion, I, SI, apprehended him and asked for his name and address. He disclosed his identification as Gurmeet Singh, son of Diwan Chand, resident of Guru Nanak Pura Mohalla. As suspected him of possessing the intoxicating substances, Gurmeet Singh, son of Diwan Chand, was served a notice under Section 50 of the NDPS Act, stating that "I, Sub-Inspector Vedpal No. 098/Fatehabad, Anti Vehicle Theft, Fatehabad, hereby notify you, Gurmeet Singh, son of Diwan Chand, resident of Guru Nanak Pura Mohalla, through this notice that I suspect you to be in possession of some intoxicating substance. Therefore, it is necessary to conduct your search. You have the legal right to have your search conducted in the presence of a Gazetted Officer or Magistrate. If you wish, such an officer can be called to the spot, or you can be taken to them for the search." On this, Gurmeet Singh, son of Diwan Singh, gave his written consent, stating that "I, Gurmeet Singh, son of Diwan Singh, resident of Guru Nanak Pura Mohalla, Fatehabad, have fully heard and understood the notice given by you. I wish to have my search conducted in the presence of a Gazetted Officer." Gurmeet Singh affixed his left thumb impression on the notice and the consent form. The witnesses also signed the same. Thereafter, I, the SI, contacted Gazetted Officer Mr. Sanjay Kumar, DSP

(HQ), Fatehabad, on his mobile number 8814011703 from my mobile number 9466615292 at 06:00 PM and informed him of the situation, requesting him to come to the spot. After registration of the report, EHC Kashmir Kumar No. 471 returned to the site. At 07:00 PM, Mr. Sanjay Kumar, DSP (HQ), Fatehabad, arrived at the spot in a government vehicle along with his personal staff. I, the SI, presented before him the apprehended person Gurmeet Singh, the witnesses, and the notice and consent forms. After reviewing the documents and conducting an inquiry with Gurmeet Singh, Mr. Sanjay Kumar, DSP (HQ), Fatehabad, after conducting my search authorized me, the SI, to carry out the search of Gurmeet Singh. Meanwhile, I informed the passersby at the scene about the ongoing police proceedings and requested them to participate as witnesses. However, the passersby cited personal reasons and left the scene. I then handed over my personal mobile phone to Constable Punit No. 1068 with the instruction to begin video recording of the recovery process as electronic evidence. Following this, as per the orders of Mr. Sanjay Kumar, DSP (HQ), Fatehabad, I, the SI, conducted a lawful search of Gurmeet Singh, son of Diwan Chand. During the search, from the right pocket of his worn trousers, a transparent waxy paper packet containing heroin was recovered. The recovered heroin, along with the waxy paper, was weighed using a small digital scale and found to be 7.20 grams. A parcel of the recovered heroin was prepared, which I sealed with my seal marked "VP/3". A sample seal was also prepared. The Gazetted Officer, Mr. Sanjay Kumar, DSP (HQ), also sealed the parcel with his seal marked "SK/1" and prepared a sample seal. The sealed parcel of heroin, along with the sample seals, was taken into police possession as evidence through a Property Seizure Memo. The accused and the witnesses signed the seizure memo. Mr. Sanjay Kumar, DSP (HQ), attested the sealed parcel and the Property Seizure Memo, and after use, retained his seal. I, the SI, handed over my seal to Constable Rahul No. 1019 after use. Upon inquiry, the accused Gurmeet, stated the facts

*regarding the recovered heroin. By keeping 7.20 grams of heroin in his possession, the accused Gurmeet committed an offence under Sections 21(b)-61/85 of the NDPS Act. Accordingly, a written report is being sent with EHC Kuldeep No. 927 along with the official government vehicle to City Police Station, Fatehabad, for registration of the case. Kindly register the case and inform the case number. For further investigation of the case, another investigating officer should be sent to the scene. I am currently present at the spot. Location: Guru Nanak Pura, Fatehabad. Sd/- Vedpal, SI Vedpal No. 98/FTB Anti Vehicle Theft, Fatehabad Date: 03.05.2025 Mobile No.: 9466615292 Time: 07:30 PM”.*

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the F.I.R and has been nominated as an accused in the present case only on the basis of disclosure statement suffered by Gurmeet Singh, co-accused in police custody, which is not admissible against him. He further contends that even, the police has not been able to collect any evidence against him, during the course of investigation. He further contends that even though one more case under Sections 21-B, 27-A of NDPS Act was registered against the petitioner, but in that case also the petitioner was not named in the FIR and was involved only on the basis of the disclosure statement suffered by co-accused. He further contends that in the present case, the police has wrongly shown the recovery of 07 grams 20 milligrams of heroin, which is non-commercial quantity.

4. On advance notice, Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana has appeared on behalf of respondent-State and submits that the petitioner is a hardened criminal and was earlier involved in three following F.I.Rs.

| <b>FIR Number and Date</b>   | <b>Under Sections</b>                   | <b>Police Station</b> |
|------------------------------|---|-----------------------|
| FIR No.575, dated 24.10.2022 | 21-B,27-A,61-85 of NDPS Act             | City Fatehabad        |
| FIR No.557, dated 14.10.2023 | 399,402 of IPC and 25-54-59 of Arms Act | City Fatehabad        |
| FIR No.407, dated 29.07.2023 | 147,149,323,324,341,506 of IPC          | City, Fatehabad       |

5. He further contends that in fact, the present petitioner is the supplier of the contraband and had provided heroin to Gurmeet Singh, co-accused, who was apprehended at the spot.

6. I have heard the learned counsel for the parties and perused the record carefully.

7. In the present case, the Trial Court has rightly observed that antecedents of the petitioner are not clean as he is already facing three more criminal cases, including one case under the provisions of NDPS Act. Even, in the present case, Gurmeet Singh, co-accused was apprehended at the spot, while he was carrying 07 grams 20 milligrams of heroin in his conscious possession, without any permission of any authority. During investigation, he clearly stated that he had taken the heroin from the present petitioner. Thus, custodial interrogation of the petitioner would be required to know the source of supply of heroin to him, to know the names of other persons, who might be involved in the present case. Apart from that, the Hon'ble Supreme Court has held in the matter of ***“State of Haryana Vs. Samarth Kumar”***, 2022 *LiveLaw (SC) 622*, which is as follows:-

“4. *The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been*

*implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in **Tofan Singh v. State of Tamil Nadu** reported in (2021) 4 SCC 1.*

5. *But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.*
6. *Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.*
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 v. 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.”*

8. In view of the above discussion, findings no merits in the present

case and the present petition is ordered to be dismissed.

19.05.2025  
*hitesh*

**(N.S.SHEKHAWAT)**  
**JUDGE**

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