



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

**CRM-M-51620-2025  
Date of decision: 15.09.2025**

**MUNSAD**

**...PETITIONER**

**V/S**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Davneet Sangwan, Advocate  
for the petitioner.

**\*\*\*\***

**SUBHAS MEHLA, J. (ORAL)**

1. This is the first petition filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.216 dated 09.05.2023 under Sections 21-C, 29 of NDPS Act, 1985 (Section 29 of NDPS Act added during investigation) registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar (Annexure P-1).

2. Learned counsel for the petitioner contended that the petitioner is involved in this case only on the basis of disclosure statement made by co-accused, namely, Sabir @ Kala; except the disclosure statement, no material is available with the prosecution to prove the commission of offence; disclosure statement is inadmissible in the evidence and learned counsel prayed for anticipatory bail as the petitioner is ready to join the investigation.

3. Notice of motion.

4. Mr. Karan Veer Singh, Senior DAG, Haryana, who is present in the Court accepted notice on behalf of respondent-State and submitted that the petitioner is the supplier of the contraband, which was recovered from the



possession of co-accused, namely Kayum and his wife Maina; the quantity of recovered narcotic substance is 311.07 grams, which falls under the category of commercial quantity; petitioner is required for recovery of drug money as well as the source of contraband and prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the allegations levelled against the petitioner and the fact that co-accused named him as supplier of the contraband i.e. 311.07 grams, which comes under the category of commercial quantity and is recovered from co-accused, namely Kayum and his wife Maina; custodial interrogation of the petitioner is required for recovery of drug money as well as drugs, anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '***CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806' decided on 03.08.1997***, wherein it has been held as under:-

*"...custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the ousodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders."*



7. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

**September 15, 2025**  
*manisha*

**(SUBHAS MEHLA)**  
**JUDGE**

- |      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |