



CRM-M-12083-2026

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

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**CRM-M-12083-2026
Date of decision: 24.03.2026**

SHEKHAR**....Petitioner****Versus****STATE OF HARYANA****....Respondent****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Kushager Goyal, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J. (ORAL)

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS"), the petitioner seeks anticipatory bail in case FIR No.61 dated 29.01.2026 registered under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Sirsa, District Sirsa.

2. On 06.03.2026, the following order was passed by this Court: -

"Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.61 dated 29.01.2026 registered under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Sirsa, District Sirsa.

Brief facts as per the prosecution case are that on 29.01.2026, S.I. Satbir Singh along with fellow police officials



was on a patrolling duty and on a basis of suspicion, apprehended one Sushil Kumar alias Bobby who was found in conscious possession of 10.25 grams of Heroin. Initially, the FIR in question was registered against the said co-accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was neither present at the spot, nor was named in the FIR and he has no concern with the said incident. He contends that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Sushil Kumar alias Bobby. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his/her custodial interrogation is not admissible in evidence. No recovery is to be effected from the petitioner. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

Notice of motion.

On asking of the Court, Mr. Gagandeep Singh Chhina, Sr. DAG Haryana accepts notice on behalf of respondent-State and seeks time to file status report in the matter.

Adjourned to 24.03.2026.

In the meantime, the petitioner is directed to join investigation within a week from today and would appear as and when required by the Investigating Officer and cooperate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.”



3. Learned counsel for the petitioner submits that in compliance with the order dated 06.03.2026 passed by this Court, the petitioner has joined the investigation. He has further argued that there is no connection between the petitioner and the co-accused and that the petitioner is sought to be implicated only on the basis of the disclosure statement of the co-accused.

4. Learned counsel for the State, (on instructions from ASI Kuldeep Singh), has submitted that the petitioner has joined the investigation in terms of interim order/protection earlier afforded to the petitioner and is no longer required for further custodial interrogation. He has however submitted that since the FIR in question is under the NDPS Act of 1985, the petitioner ought not to be extended the concession of anticipatory bail.

5. On a specific query put by this Court to the learned State counsel as to whether, apart from the disclosure statement, any material has been found during investigation to connect the petitioner with the recovered contraband, to which learned State counsel submitted that no material other than disclosure statement has been found to connect the petitioner with either the offence or the recovered contraband.

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

7. Further, the Hon'ble Supreme Court while dealing with a plea for grant of anticipatory bail in a case under NDPS Act, 1985; in a judgment titled as '*Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s)1266/2023 decided on 17.05.2023*' has held as under:



"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed. All pending applications are disposed of."

8. In the present case also, the petitioner is sought to be arrayed solely on the basis of the disclosure statement of the co-accused. Suffice to say there is no other material available to connect the petitioner with the recovered contraband. The veracity of the disclosure statement made by the co-accused will be subject to comprehensive scrutiny during the course of the trial and the same cannot by itself be a ground to decline the concession of anticipatory bail to the petitioner, especially when she has joined the investigation in terms of interim order/protection granted by this Court.

9. In view of the above, the petition is allowed and the interim order dated 06.03.2026 passed by this Court is made absolute. The petitioner shall continue to join investigation as and when required by the Investigating Officer and shall also abide by the conditions as provided under Section 482(2) of the BNSS.

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10. Needless to say anything observed herein above shall not be construed to be an opinion on the merits of the case.

24.03.2026*Gurpreet*

(RUPINDERJIT CHAHAL)
JUDGE

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No