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

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**CRM-M-21854-2026
Date of decision : 21.04.2026**

GAURAV KUMAR ALIAS GOURAV KUMAR

... PETITIONER

Versus

STATE OF HARYANA

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Vikas Bishnoi, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 (corresponding to Section 438 Cr.P.C.) seeking anticipatory bail for the petitioner in FIR No.120 dated 20.03.2026, under Section 21(b) of the NDPS Act, during investigation Section 27-A of NDPS Act, registered at Police Station City Fatehabad, District Fatehabad.

2. The case of the prosecution is that on the basis of a secret information, co-accused Akshay Kumar was apprehended, from whom recovery of 06 grams 36 miligrams of heroin (non-commercial quantity) was effected. During the course of investigation, co-accused Akshay Kumar suffered a disclosure statement to the effect that he had purchased the alleged contraband from Gaurav Kumar (present petitioner).

3. Learned counsel for the petitioner, however, submits that the petitioner was not named in the FIR and was arraigned as an accused solely on

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the basis of disclosure statement of co-accused. Besides the disclosure statement, there is no incriminating material which would connect him with the alleged offence. It is further submitted that the disclosure of an accused while in custody is not a reliable evidence to implicate a person. In support of his submissions, he has relied upon the judgment of Hon'ble the Supreme Court in the case of **Vijay Singh versus State of Haryana, 2023 SCC Online SC 1235**. It is also submitted that the petitioner is ready and willing to join the investigation.

4. Notice of motion.

5. On the asking of the Court, Mr. Rakesh Kumar Jangra, AAG, Haryana accepts notice on behalf of the respondent/State and upon instructions, submits that the petitioner is a habitual offender and is involved in seven more cases including one case under the NDPS Act. Moreover, co-accused Akshay Kumar has specifically stated that he had purchased the said contraband from the present petitioner, which *prima facie* shows his role in the alleged offence. He, therefore, prays for dismissal of the present petition as the custodial interrogation of the petitioner is necessary for proper investigation.

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

7. It is evident that the petitioner has been nominated as an accused on the basis of the disclosure statements suffered by co-accused Akshay Kumar, from whom 06 grams 36 miligrams of heroin was recovered. During the course of investigation, co-accused Akshay Kumar suffered a disclosure statement to the effect that he had purchased the alleged contraband from the

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present petitioner, which clearly shows his direct involvement in the alleged offence.

8. Moreover, the petitioner is stated to a habitual offender and is involved in seven more cases including one case under the NDPS Act. The investigation is still in progress. Therefore, the custodial interrogation of the petitioner appears to be necessary for a fair and effective investigation.

9. Keeping in view the seriousness of the offence, the involvement of the petitioner in several other cases and the specific role attributed to him, this Court is not inclined to grant anticipatory bail to the petitioner.

10. Consequently, the petition is, hereby, dismissed.

11. However, it is clarified that the observations made hereinabove would not have any bearing on the merits of the case.

April 21, 2026
A.Kaundal

(H.S.GREWAL)
JUDGE

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