

CRM-M-44891-2026

CNR No: PHHC011339132026

2026:PHHC:111533



118

IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-44891-2026

Aashish Nagar Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: August 13, 2026

Date of Uploading: August 13, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Yaseen Sethi, Advocate and
Ms. Akshita Nanda, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (erstwhile Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.176 dated 03.07.2025, registered for the offences punishable under Sections 21 & 29 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959, at Police Station ANTF, District SAS Nagar (Mohali).

2. The case of the prosecution, as set out in the order whereby anticipatory bail plea of the petitioner was declined by the concerned Special Court, reads as under:

“6. As per the prosecution version, on 03.07.2025 in the area of Police Station Focal Point, Ludhiana, recovery of 1.40 k.gs. heroin alongwith electronic scale was effected from the first room of the residential house of co-accused Ayush Mishra alias Brahmin and Mehak alias Seerat. Further, NORINCO, PX3 CAL. 7.62 X 25 mm pistol made in China No. 50079 and one more pistol PX3

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that mandatory provisions of the NDPS Act have not scrupulously been complied with and, thus, the prosecution case suffers from inherent defects. Learned counsel has further submitted that the petitioner is not named in the FIR and has been implicated solely on the basis of the disclosure statement of a co-accused, which is, *per se*, inadmissible in evidence and cannot form the sole basis for implicating the petitioner. It has also been argued that there is not even an iota of evidence available with the prosecution to establish the petitioner's complicity in the alleged offence. Learned counsel has argued that the petitioner is a student aged 26 years and has deep roots in the society, therefore, there is no apprehension that he may abscond from the process of justice as also interfere with the prosecution evidence.

3.1. Learned counsel has urged that co-accused of the petitioner, namely, Ankush Sharma has been extended the concession of regular bail by this Court, vide order dated 09.10.2025 passed in **CRM-M-55278-2025**.

3.2. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. Learned State counsel has, thus, argued that the petitioner has been specifically named in the disclosure statement of the co-accused. Learned State counsel has further argued that investigation in the present case is still under way and the petitioner is yet to be arrested. Given these circumstances, custodial interrogation of the petitioner is indispensable. Learned State counsel submits that in case the petitioner is accorded concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also influence/ intimidate the prosecution witnesses. Thus, the present petition is devoid of merit and is liable to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the prosecution case, serious allegations have been levelled against the petitioner. Prosecution case, *prima facie*, reveals that the petitioner was nominated in the present case on the basis of the disclosure statement made by the co-accused, wherein it was alleged that the co-accused had purchased pistols and ammunition from the petitioner. Perusal of the prosecution case further reveals that a huge commercial quantity of contraband, i.e. 1.40 kg of heroin, has been recovered in the present case. At this stage, considering the nature and gravity of the allegations, the recovery of a huge commercial quantity of contraband, and the material available on record, this Court is of the considered view that the petitioner does not deserve the extraordinary concession of anticipatory bail.

6.1. The petitioner is not at parity with co-accused – Ankush Sharma, inasmuch as the nature of relief granted to the said co-accused is entirely different from the relief sought in the present petition. Co-accused – Ankush Sharma was

granted the concession of regular bail vide order *ibid*, whereas the petition in hand seeks the extraordinary concession of anticipatory bail. It is well settled that the grant of regular bail to a co-accused does not, by itself, entitle another accused to anticipatory bail on the ground of parity.

6.2. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wider impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation appear to establish reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record & preliminary investigation, appear to establish a reasonable basis for his accusation. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 13, 2026
mahavir

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