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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-47216-2024 (O&M)
Date of decision: 01.10.2024

Gurpreet Singh @ Sona ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kamaldip Sindh Sidhu, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of BNSS, 2023, the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 56 dated 10.08.2024, registered under Section 18B of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station Sarai Amant Khan, District Tarn Taran.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that a police party headed by ASI Satpal Singh was on patrolling duty on 10.08.2024 in search of bad elements, when they noticed two persons coming on foot, who on seeing the police party, started walking briskly. However, they were apprehended by the police party. On inquiry, they disclosed their names as 'Paramjit Singh @ Pamma' and 'Gurpreet Singh @ Sona', who is the present petitioner. Thereafter, recovery of 527 grams of opium and one pistol of .32 bore was effected from the polythene bag, which

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the co-accused Paramjit Singh @ Pamma had thrown on the ground on seeing the police party. Although, the petitioner was apprehended at the spot by the police party, however, when he was being taken to lock up of the police station concerned, he had escaped by pushing the Investigating Officer aside. In this regard, an FIR bearing No. 57 dated 11.08.2024, under Section 262 of BNS, 2023 has also been registered against him. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Tarn Taran but the same had been dismissed, vide order dated 10.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, he has been falsely implicated in this case at the instance of his in-laws as he has performed marriage with Kirandeep Kaur against the wishes of her family members, which is apparent from the fact that he and Kirandeep Kaur had filed a petition bearing number **CRWP-185-2023** before this Court seeking protection to their life and liberty. The petitioner is a taxi driver and when on 10.08.2024, he was standing along side the road, some police officials had come to him and asked to go with them to village Chabal. They had also picked up co-accused Paramjit Singh @ Pamma from his house. The petitioner was brutally beaten up by the police officials and threatened to run away and it was only then that the petitioner had run away from the spot. No recovery of contraband was effected from him. Co-accused Harjit Singh has already been granted concession of anticipatory bail by this Court, vide order dated 01.10.2024 passed in **CRM-M-46316-2024**. The petitioner is not involved in any other criminal

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case. He has clean criminal antecedents. The custodial interrogation of the petitioner is not required. He is ready to join investigation. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel, in terms of the status report, has vehemently opposed the prayer of the petitioner by submitting that the petitioner and co-accused Paramjit Singh @ Pamma were apprehended by the police party on 10.08.2024 and recovery of 527 grams of opium and one pistol of .32 bore was effected from them. The petitioner had forcefully escaped at the time when he was being lodged in the lock up of the police station concerned. In this regard, aforesaid FIR No. 57 has also been registered against him. His custodial interrogation is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner and co-accused Paramjit Singh @ Pamma were apprehended by the police party on 10.08.2024 and recovery of 527 grams of opium and one pistol of .32 bore was effected from them. However, the petitioner had fled away from the custody of the police officials when he was being lodged in the lock up of the police station. As apparent from the record, an FIR bearing No. 57 dated 11.08.2024 under Section 262 of BNS has been registered against him. The allegations against the petitioner are serious in nature. The conduct of the petitioner of fleeing

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from the custody of the police strengthens the possibility of his absconding from the process of law, if extended benefit of bail. If in the peculiar facts and circumstances of the case, the petitioner is extended benefit of anticipatory bail, the same would amount to encouraging accused persons to forcefully flee from the custody of the police. No doubt, co-accused Harjit Singh has been granted concession of anticipatory bail by this Court but the case of the petitioner is not on the same footing as Harjit Singh was nominated on the disclosure statement suffered by aforesaid co-accused Paramjit Singh @ Pamma and no recovery was effected from him. So far as the pleas of the petitioner regarding his false implication at the instance of his in-laws are concerned, the same cannot be taken into consideration at this stage while deciding a petition for grant of anticipatory bail. His custodial interrogation is required for proper investigation in the matter. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS, 2023 are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS, 2023. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion

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to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather her custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

01.10.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>