

2024:PHHC:134240



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

208

CRM-M-48346-2024 (O&M)
Date of decision: 15.10.2024

Jagjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner in FIR No. 47 dated 17.04.2024, registered under Sections 21 and 27(a) of the NDPS Act, 1985 at Police Station Sujanpur, District Pathankot (Section 201 of IPC added later on).
2. Brief facts of the case relevant for the disposal of the present petition are that on 17.04.2024, co-accused Gurjant Singh @ Ravi and Simranjeet Singh @ Nikka Bath, while coming in an Innova car bearing registration number PB-09-V-2824 from the side of Jammu & Kashmir, were arrested by a police party and recovery of 15 grams of heroin and drug money of Rs. 5 Lakhs was effected from them. During the course of investigation, both of them made disclosure statements that the aforesaid car was handed over to them by the present petitioner on the asking of one Harpal Singh @ Bittu Bhalwan. It was also disclosed that the hidden compartment in the fuel tank of the vehicle was also made by the petitioner and they used to hand over

2024:PHHC:134240



the heroin to the petitioner brought by them from Srinagar. On the basis of these disclosure statements, the petitioner has been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned District and Sessions Judge, Pathankot but the same had been dismissed, vide order dated 20.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor any role was attributed to him. He has been involved in this case on the basis of the disclosure statements made by the aforementioned co-accused, which is not admissible in law. The petitioner is ready to join the investigation. He is not involved in any other case and has clean criminal antecedents. No recovery is to be effected from him. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that that though the petitioner has been nominated in this case on the basis of the disclosure statements suffered by the aforementioned co-accused but during the course of investigation, his complicity has been duly established in the commission of subject offence. On further search of the said vehicle, another recovery of 08 kgs of heroin was effected from the same. It has been found during investigation that the petitioner is an active member of a gang, which is involved in smuggling of drugs. Custodial interrogation of the petitioner is must for proper investigation in the matter and also to know his role and as to from where he had got the said fuel tank fixed. It is, thus, argued that the

2024:PHHC:134240



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. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Gurjant Singh @ Ravi and Simranjeet Singh @ Nikka Bath, from whom, recovery of 15 grams of heroin and drug money of Rs. 5 Lakhs was effected on 17.04.2024, when they were coming in the aforesaid Innova Car from the side of Jammu & Kashmir. During investigation, it has come out that the petitioner had handed over the said vehicle to aforesaid co-accused and they used to deliver him the contraband brought from Srinagar. It was also disclosed that it is the petitioner, who had modified the fuel tank of the vehicle in a way so that contraband could be hidden in the same. Subsequently, 08 kgs. of heroin was also recovered from the said vehicle in the presence of DSP, Dhar Kalan, Pathankot. It has been found that on the asking of co-accused Harpal Singh @ Bittu Bhalwan, co-accused Jaspreet Singh had given an amount of Rs. 25 Lakhs to co-accused Gurjant Singh, who procured 08 packets of heroin from a person named as Khan from Dal Lake, Srinagar by handing him over the aforesaid amount but he gave back an amount of Rs. 5 Lakhs back to Gurjant Singh as the same was wet. The aforesaid co-accused including petitioner are stated to be the members of a large gang, which is involved in smuggling of drugs at a large scale. Several other persons have also been nominated in this case and they are yet to be arrested. There are serious and specific allegations against the petitioner. The custodial interrogation of the petitioner is required for proper

2024:PHHC:134240



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 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. 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 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 his 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.

15.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No