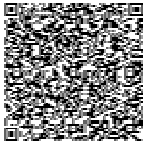


2025:PHHC:006116



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

105

CRM-M-1932-2025 (O&M)
Date of decision: 16.01.2025

Baldev Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of anticipatory
bail to the petitioner in FIR No. 173 dated 29.09.2024, registered under
Section 15-B of the Narcotic Drugs and Psychotropic Substances Act, 1985
(*for short* 'NDPS Act') at Police Station Lambi, District Sri Muktsar Sahib.
2. Brief facts of the case relevant for the disposal of the present
petition are that on 29.09.2024, a police party headed by ASI Balwinder Singh
was on patrolling duty. They noticed a car bearing registration number UP-14-
BY-3788 and gave signals to stop it but the driver of the car, instead of
stopping the same, sped up the same. The police party chased the said vehicle
and after some distance the vehicle was found abandoned. On checking of the
said vehicle, 15 kgs. of poppy husk was recovered from the same. During the

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course of investigation, it has been found that the said vehicle has been purchased by the petitioner from one Narinder Kumar on the basis of an affidavit. In view thereof, the petitioner has been nominated as accused in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Sri Muktsar Sahib but the same had been dismissed, vide order dated 04.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery has been effected from the conscious possession of the petitioner. Even otherwise, the quantity of alleged recovered contraband does not fall within the ambit of commercial quantity. There is nothing on record to connect the petitioner with the subject crime. He is ready to join the investigation. 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. *Per contra*, learned Senior Deputy Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter, has submitted that the petitioner was found travelling in the aforesaid car on 29.09.2024. When he was signaled by the police party to stop, he ran away and abandoned his car after some distance. Recovery of 15 kgs. of poppy husk has been effected from the car. During the course of investigation, it has been found that the petitioner has purchased the said car from Narinder Kumar on an affidavit. Custodial interrogation of the petitioner is must for proper investigation in the matter and to know the source of the recovered contraband as well as for effecting further recovery of contraband, if any. It is, thus,

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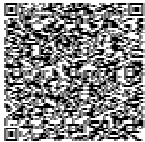


argued that the petition is liable to be dismissed.

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

6. Admittedly, the petitioner has purchased the aforesaid vehicle from Narinder Kumar on an affidavit. As per the allegations, the petitioner was driving the said car on 29.09.2024 and when he was signalled by the police party to stop, he, instead of stopping the car, sped up the same and abandoned it after some distance. Recovery of 15 kgs. of poppy husk was effected from the said car. On a perusal of the entire petition, it is revealed that no explanation as to how the contraband has been recovered from the car is coming forth from the petitioner. The custodial interrogation of the petitioner is required for proper investigation in the matter and to know the source of the recovered contraband. 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

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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.

16.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No