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

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CRM-M-3441-2025 (O&M)
Date of decision: 07.02.2025

Suraj ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Naresh Kumar Jandoli, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, 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. 119 dated 26.12.2024, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chabbewal, District Hoshiarpur.
2. Brief facts of the case relevant for the disposal of the present petition are that on 26.12.2024, when a police party headed by SI Tajinder Singh was on patrolling duty, it noticed a person, who was coming on an Activa scooter and on seeing the police party, he ran away by leaving his scooter on the road. The police party tried to apprehend him but he succeeded in fleeing away. On checking the said scooter, recovery of 01 kg. 500 grams of poppy husk and a bank passbook was effected. The said passbook was in the

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name of 'Suraj', who is the present petitioner. On the basis of the same, the present FIR has been registered against the petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Hoshiarpur but the same had been dismissed, vide order dated 10.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject offence and he has been involved in this case only on the basis of the fact that the said scooter and the passbook was in his name. Even otherwise, the quantity of alleged contraband does not fall within the ambit of commercial quantity. The petitioner is not involved in any other case. No recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has opposed the prayer of the petitioner by arguing that he was found on the spot riding the said scooter and on seeing the police party, he ran away by leaving his scooter on the road, from which, 01 kg. 500 grams of poppy husk was recovered. During the course of investigation, it has been found that the said scooter and the recovered passbook were in the name of the petitioner. His custodial interrogation is must for proper investigation in the matter as well as for knowing the source of the contraband and also effecting further recovery of the contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

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

6. As per the allegations, on 26.12.2024, the petitioner was seen coming on his scooter but on seeing the police party, he tried to run away and in that process, he left his scooter on the road. On conducting search of the said scooter, 01 kg. 500 grams of poppy husk and a bank passbook were recovered. The said scooter and bank passbook were found to be in the name of the petitioner. For conducting proper investigation in the matter and to know the source of the contraband and also for effecting further recovery of the contraband, if any, the custodial interrogation of the petitioner is required. Even otherwise, no sparing and extraordinary circumstance has been made out in favour of the petitioner entitling him for grant of anticipatory bail. 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 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

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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.

07.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No