



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12732-2025
Date of decision:-24.03.2025

ROBINPREET SINGH
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ankur Jain, Advocate for the petitioner.
Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of an affidavit dated 23.03.2025 of Deputy Superintendent of Police, Anti-Narcotics Force, Border Range, District Amritsar, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, BNSS 2023 for grant of anticipatory bail to the petitioner in case FIR (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
208	29.12.2024	21-C, 25, 27 and 29 of the NDPS Act and 25, 27 of the Arms Act.	STF (ANTF), SAS Nagar, Mohali.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that the petitioner was not named in the FIR but was nominated later on, on the disclosure statement of co-accused Gurpreet Singh @ Gopi and he has no concern with alleged recovery. He contends that possible recovery has already been effected from the co-accused, as such

petitioner is not required for custodial interrogation and the petitioner is ready to join the investigation. Hence prayed for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that during search of bad elements, police apprehended co-accused Gurpreet Singh @ Gopi and recovered 4 packets of heroin, each containing 550, 519, 539 and 543 grams of heroin and on his disclosure statement, recovery of 1 kg and 543 grams of heroin alongwith 20 cartridges of 32 bore was also effected from him. On his further disclosure statement recovery of heroin weighing 1 kg 500 grams and pistol 32 bore, 5 cartridges 32 bore, one electronic machine and drug money amounting to ₹3,05,000/- had been effected from the house of the present petitioner. He contends that contraband recovered in this case falls within the purview of commercial quantity and attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Moreover, alongwith narcotics, weapons were also recovered, as such, to unearth the source of narcotics and weapons, custodial interrogation of the petitioner is required. Hence, prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that on 29.12.2024 police party was present near Golen Gate, Amritsar in search of bad elements, wherein they received a secret information that Pardhan Singh, Malkeet Singh @ Meet, Gurpreet Singh @ Gopi and the present petitioner were indulging in the business of smuggling of heroin and supply the same to their customers near Best Price Mall, Jalandhar Road, Amritsar, and if, apprehended huge quantity of narcotics

can be recovered. Finding the information reliable, police party reached near Best Price Mall, Jalandhar Road, Amritsar and apprehend co-accused Pardhan Singh, Malkeet Singh @ Meet, Gurpreet Singh @ Gopi but the present petitioner sitting in the car managed to escape, and from their search 2kg 151 gram of heroin, one pistol 32 bore along 3 live cartridges were recovered. During course of interrogation 543 grams of heroin along with 20 live cartridges of 32 bore were also recovered from the house co-accused Gurpreet Singh @ Gopi. On the alleged disclosure statement of co-accused Gurpreet Singh @ Gopi police had also recovered 1.5 kg of heroin along-with 32 bore pistol, 5 cartridges of 32 bore, one electronic weighing machine and drug money of ₹3,05,000/- from the house of the present petitioner. The alleged recovery of the narcotics from the co-accused as well as from the house of petitioner falls within the purview of ‘commercial quantity’ and attracts bar under Section 37 of the NDPS Act. Therefore, considering the nature and gravity of the offence, and also the fact that the recovered contraband falls within the purview of ‘commercial quantity’, attracting bar under Section 37 of the NDPS Act, and to unearth the source of narcotics as well as weapons recovered from the house of the petitioner, custodial interrogation of the petitioner is required, as such, no case is made out in favour of the petitioner for grant of anticipatory bail at this stage, consequently, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.03.2025

Gyan

i)
ii)

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No