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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13943-2025 (O&M)
Date of decision: 12.03.2025

Nishan Singh @ Shana @ Satnam Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

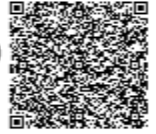
Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.120 dated 15.12.2024 under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 29 of NDPS Act (added later on), registered at Police Station Lambra, District Jalandhar Rural.
2. Briefly, the facts of the case are that on 15.12.2024, ASI Navdeep Singh along with other police officials was on patrolling duty and was going

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from Jalandhar towards Nijaran and when turned from Kala Sanghia, Main Road, Jalandhar towards canal side of Village Puwara Colonia, a person was seen coming on foot and after seeing the police party, he threw a black coloured transparent polythene from the right pocket of his jeans. On the basis of suspicion, the said person was apprehended and he disclosed his name as Sukhwinder Singh @ Sukha @ Sukhi. After following due procedure prescribed under the provisions of NDPS Act, 40 grams of heroin was recovered from him and a written *ruqa* was sent to the police station for registration of FIR.

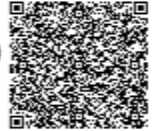
3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the FIR (*supra*), as his mother has already filed a complaint against the police officials of District Moga before the Punjab State Human Rights Commission, Chandigarh and cognizance of the same has been taken, as discernible from the order dated 25.02.2025 (Annexure P-3). Further, the petitioner has been nominated as an accused only on the basis of disclosure statement made by co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same would be hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023*). Although the petitioner is involved in other cases under NDPS Act, however, he has not been convicted in any of them and these cases pertain to the year 2020.

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4. *Per contra*, learned State counsel appears on advance notice and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is supplier of the contraband recovered from co-accused. Perusal of the order dated 25.02.2025 (Annexure P-3) passed by Punjab State Human Rights Commission, Chandigarh clearly indicates that the complaint was filed on 21.02.2025, whereas the petitioner was nominated as an accused on 29.11.2024 in FIR No.243, which was registered on 27.11.2024 under Section 21-B of NDPS Act, at Police Station Dharamkot, District Moga. In the complaint filed before Punjab State Human Rights Commission, Chandigarh, the fact regarding involvement of the petitioner in 10 cases, out of which 03 cases are registered under NDPS Act in three different districts, was not disclosed and approaching the Punjab State Human Rights Commission is only to create the probable defence. Even in the aforementioned complaint made before the Punjab State Human Rights Commission, name and designation of the police officials, who are inimical to the petitioner, have not been mentioned. However, the order dated 25.02.2025 (Annexure P-3) reflects that the petitioner has named few Head Constables, who do not yield any influence in three different districts, in order to involve the petitioner in 10 cases/FIRs, which are registered from the period starting from the year 2018. The petitioner is habitual offender and his custodial interrogation is required to unearth the supply chain and also to ascertain the *modus operandi*, through which, the

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petitioner is running the drug syndicate.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is supplier of the heroin and he is involved in 10 more cases, out of which 03 cases are registered under NDPS Act, in three different districts. As such, the petitioner is habitual offender and his custodial interrogation is imperative to find out the supply chain of the alleged contraband.

6. Keeping in view the facts and circumstances of the case, without commenting anything further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

7. Accordingly, the present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No