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

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CRM-M-15941-2025 (O&M)
Date of decision: 09.04.2025

Malkit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ramnish Puri, 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. 122 dated 20.09.2024, registered under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 10, 11 and 12 of the Aircraft Act, 1934 at Police Station Khalra, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 20.09.2024, a secret information was received by Sub Inspector Lakhbir Singh to the effect that two youths would get some intoxicating substance dropped near the defence drain by a drone from Pakistan. The police party reached at the informed place and found a packet lying on the ground, which was wrapped with a yellow coloured cloth. The

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said packet was opened and it was found containing heroin, which weighed 02 kgs. 508 grams. Accordingly, the present FIR was registered and investigation proceedings were initiated. During the course of investigation, co-accused Daler Singh @ Dalera was arrested on 11.12.2024. During interrogation, he disclosed that he along with Sukhdeep Singh @ Sukha and his brother Malkit Singh, who is his brother, was indulged in smuggling of heroin from Pakistan through drones. He admitted that he had got dropped the recovered contraband through a drone from Pakistani smugglers but could not collect the same due to patrolling of police and BSF personnel. On the basis of the same, the petitioner has been nominated as an accused in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Tarn Taran but the same had been dismissed, vide order dated 23.01.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner has been nominated in this case on the basis of the disclosure statements suffered by aforesaid co-accused, which is not admissible in evidence against him. He is not involved in any other case under the NDPS Act. No recovery is to be effected from the petitioner. 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 has argued that though the petitioner has been nominated in this case on the basis of the

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disclosure statements made by aforesaid co-accused, however, during the course of investigation, his complicity in the commission of subject offences has been established. The petitioner along with co-accused was indulged in cross border smuggling of heroin through drones. A huge quantity of heroin has been recovered in this case. Custodial interrogation of the petitioner is required for proper investigation in the matter as well as for effecting further recovery of the contraband, if any, and also for bursting the nexus of the smugglers. It is, thus, argued that the 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. As per the allegations, the petitioner along with co-accused was involved in smuggling of heroin from Pakistan through drones. He has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused Daler Singh @ Dalera, who is stated to be his brother. A huge quantity of the contraband has been recovered in this case. The allegations against the petitioner are quite serious as the subject crime involves cross border smuggling of heroin at a huge level. The petitioner is alleged to be a part of a group, which is involved in such like crime. The custodial interrogation of the petitioner is required for thorough investigation in the matter. No extraordinary or sparing circumstance has been made out for grant of anticipatory bail to the petitioner. 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

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order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, the gravity of offence as well as the nature of allegations levelled against the petitioner, I am of the considered opinion that no extraordinary or sparing circumstance entitling him 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.

09.04.2025
Wasim Jinnah

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No