

2025:PHHC:051425



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

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**CRM-M-16779-2025 (O&M)  
Date of decision: 22.04.2025**

**Simarjit Singh @ Simarjeet Singh @ Simerjeet Singh @ Bhau  
...Petitioner**

**Versus**

**State of Punjab  
...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Brijeshwar Singh Bhalla, 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. 26 dated 07.03.2025, registered under Sections  
21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985  
(*for short 'NDPS Act'*) at Police Station Mehna, District Moga.

2. Brief facts of the case relevant for the disposal of the present  
petition are that on 07.03.2025, co-accused Dalip Singh was apprehended by a  
police party headed by Inspector Gurwinder Singh and recovery of 15 grams  
of heroin and an amount of Rs.2000/- was effected from him. Upon  
interrogation, he suffered a disclosure statement to the effect that he had  
purchased the recovered contraband from the present petitioner. On the basis  
of the same, the petitioner has been nominated as an accused in this case.

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Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Moga but the same had been dismissed, vide order dated 19.03.2025.

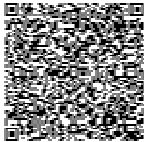
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. Although, the petitioner has been falsely implicated in some other cases but in three such cases, he stands acquitted and one case registered against him has been quashed. Even otherwise, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. He is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of anticipatory bail as he is involved in some other cases of similar nature. He had supplied the recovered contraband to the co-accused. His custodial interrogation is required for proper investigation in the matter. It is, thus, 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. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Dalip Singh, who was apprehended by the police and from whose custody, recovery of 15 grams of heroin was effected.

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The allegations against the petitioner are that he had supplied the recovered contraband to the co-accused. However, a perusal of the reply would reveal that there is nothing on record to connect the petitioner with the subject crime, except the aforesaid disclosure statement. Although, the petitioner is shown to be involved in some other cases but only one case of similar nature is pending against the petitioner, in which, he is on bail. In view thereof, I am of the considered opinion that the custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

22.04.2025

*Waseem Akbari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*