

2025:PHHC:063296



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

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CRM-M-18111-2025 (O&M)
Date of decision: 13.05.2025

Pardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

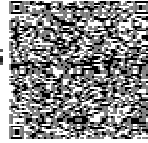
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in FIR No. 20 dated 11.03.2025, registered under Sections 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 111(4) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) at Police Station Valtaha, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 11.03.2025, a secret information was received to the effect that Harpreet Singh @ Happy, Lovepreet Singh @ Love, petitioner Pardeep Singh, Ranjit Singh @ Rana and Harpreet Singh are indulged in selling drugs by forming a group. It was also informed that at that time they were sitting near the ground of Govt. Senior Secondary School, Valtaha and can be apprehended if a raid is conducted. Believing the information to be reliable, the police party immediately rushed towards the informed place and found four persons sitting there, who were waiting for Harpreet Singh @ Happy. On seeing the police

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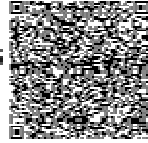


party, the petitioner and Ranjit Singh @ Rana fled away from the spot but two of the co-accused were apprehended. Upon interrogation, co-accused Harpreet Singh @ Happy disclosed that he along with co-accused including petitioner were indulged in selling heroin and that they hidden the heroin and drug money in a pit, which he can get recovered. Similar disclosure was suffered by co-accused Lovepreet Singh @ Love. Thereafter, on their demarcation, recovery of 40 grams of heroin and drug money of Rs.1200/- was recovered. Apprehending his arrest, the petitioner had filed an application before the Court of learned Additional Sessions Judge, Tarn Taran but the same had been dismissed, vide order dated 26.03.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is no complaint from any victim that he had sold him/her any contraband. There is nothing on record to connect the petitioner with the subject crime. Offence under Section 111(4) of the BNS is not at all made out. The petitioner 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.

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 there are serious allegations against him. He is involved in one more case under the NDPS Act, apart from a case under the Excise Act, which shows that the petitioner is a habitual offender. He was duly named in the FIR and was present at the spot when the raid was conducted. However, he succeeded in fleeing from there. His custodial interrogation is must for proper investigation in the matter as well as

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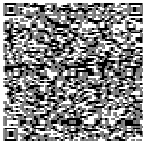


for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner along with co-accused is alleged to be involved in sale of the contraband. He was duly named in the FIR but fled away from the spot when the raid was conducted. He is shown to be involved in a similar case under the NDPS Act and does not have clean antecedents. The allegations against the petitioner are quite serious. His custodial interrogation is must for thorough and proper investigation in the matter. Even otherwise, no extraordinary or exceptional circumstance has been made out for grant of anticipatory bail in favour of the petitioner. 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. 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 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. Interim protection, granted to the petitioner, stands vacated accordingly.

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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.

13.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No