

2025:PHHC:079676



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

CRM M-21182-2025
Date of Decision:07.07.2025

Bhinderpal Singh @ Bhinder	...Petitioner
Versus	
State of Punjab	... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail to him in case FIR No.40 dated 08.03.2025 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '**the NDPS Act**') at Police Station Lehra, District Sangrur.
2. The FIR in the present case has been registered on the basis of a secret information received by the police and the same has been reproduced below:-

“Copy of rukka, SHO P.S. Lehra today I ASI along with ASI Ranjit Singh 264/SNG, HC Bhupinder Singh 118/SNG, LHC Ramanjot Kaur/1395/SNG, CT Manjinder Singh 426/SNG, Govt. Vehicle numbered

PB-13AW-4112 driven by PHG Rattan Kumar 48627 and Govt. Vehicle No. PB-13AR-6179 driven by driver ASI Sahib Singh 773/SNG with laptop and printer for the purpose of patrolling and checking of suspicious persons were present near Senior Secondary School Lehal Kalan and in the meantime Gurdeep Singh son of Joginder Singh resident of Lehal Kalan met me and I was talking to him. Then at around 12:05 PM I received a secret information from a secret informer that Bhinderpal Singh Bhinder son of Gurjant Singh @ Leela resident of Lehal Kalan, and his father Gurjant Singh @ Leela son of Labh Singh, resident of Lehal Kalan, keep the Narcotic substance in their house in heavy quantity and further sell the same to the customers and earn heavy money. Today also they are selling the intoxicating tablets and other intoxicating substances from their house to the customers and if an immediate raid be conducted on the house of the above said persons then intoxicating tablets and other intoxicating substances can be recovered in heavy quantity. The information is true and reliable and the above said persons have committed an offence under sections 22/61/85 of ND&PS Act 1985 by keeping and selling the intoxicating tablets and other intoxicant substances in their possession. Therefore, a ruqa after typing in the laptop and after taking its print against Bhinderpal Singh @ Bhinder son of Gurjant Singh @ Leela resident of Lehal Kalan, and Gurjant Singh @ Leela son of Labh Singh resident of Lehal Kalan is being sent to police station by hand CT Manjinder Singh 426/SNG. After the registration of the case, the number of the file shall be

informed. Incharge control room Sangrur shall be informed, I ASI along with fellow police officials am leaving for raid and recovery to the spot. At the limits of Lehal Kalan at 12:30 PM Sd/- ASI Gurdev Singh 2480/SNG, Incharge Police Post City Lehra, P.S. Lehra dated 08.03.2025.”.

3. Learned counsel for the petitioner contends that it has been falsely alleged that the petitioner had run away from the spot, from where the recovery of 1125 intoxicant tablets was effected. In fact, the secret information was received at 01.00 p.m. in the police station against the petitioner and his father Gurjant Singh @ Leela. Thereafter, the raid was conducted at his house at about 01.30 p.m. and the FIR was registered at 01.40 p.m. on 08.03.2025. Learned counsel further contends that as per the CCTV cameras of Park Hospital Patiala, he was not present in the house at about 01.30 p.m., as he had gone with his wife to the said hospital for the treatment of his wife. Even otherwise, a person is able to reach the house from Park Hospital in at least two hours and the story projected by the prosecution was concocted and afterthought. He further contends that the petitioner was earlier also falsely implicated in FIR No. 116 dated 15.06.2021 under Section 21 of the NDPS Act, Police Station Sadar, Dhuri and the petitioner was granted the concession of bail vide order dated 23.11.2022 (Annexure P-3). Learned counsel further contends that in the present case the mandatory provisions of Section 42 of the NDPS Act were not complied by the Investigating Agency as the

secret information was neither reduced into writing nor the same was forwarded to the superior officers.

4. Vide order dated 24.04.2025, this Court had directed the Senior Superintendent of Police, Sangrur to examine the file of the present case personally and to file a para-wise reply by way of his affidavit before this Court. In compliance of the said order, a detailed reply has been filed by way of an affidavit of SSP, Sangrur. He clearly stated that he had perused the record himself and also obtained a reply from the Superintendent of Police (Investigation) Sangrur, with regard to the facts of the present case.

5. On the other hand, learned State counsel submits that in fact, the raid was conducted at the house of the petitioner at about 12.30 p.m. on 08.03.2025 and it has been wrongly mentioned in the bail application that the raid was conducted at about 01.30 p.m. He further contends that in fact on seeing the police party, the petitioner managed to abscond from his house and his father Gurjant Singh @ Leela, co-accused was arrested on the spot. In fact, 1125 intoxicating tablets alongwith drug money of Rs. 51,600/- were recovered from the house of the petitioner. Learned State counsel submits that the raid was conducted at about 12.30 p.m. and when the police reached the house of the petitioner, he escaped from there and reached Park Hospital, Patiala within 01 hour and 20/25 minutes. Thus, the petitioner managed to escape from the scene and reached the Park

Hospital Patiala only with a view to create the false plea of *ailbi*. Even, the travel time between the house of the petitioner and the Park Hospital, Patiala, is about 01 hour and 40 minutes as per the Google map whereas the petitioner reached the Park Hospital in 01 hour and 20/25 minutes. Thus, the petitioner was actively involved in the present case. Still further, the petitioner is a habitual offender and is facing the prosecution in four more cases (three cases under NDPS Act). He further contends that even the provisions of Section 42 of the NDPS Act were complied with and a special report was sent to the superior officers. Thus, the petition deserves to be dismissed by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, the FIR was registered on the basis of the secret information received by the police to the effect that Gurjant Singh @ Leela and his son, i.e., the petitioner are indulging in smuggling and if their house is raided, they could be apprehended at the spot. However, on seeing the police party, Bhinderpal Singh @ Bhinder petitioner managed to run away from the spot. Even, at this stage, this Court has no reasons to disbelieve the investigation conducted by the police, especially, when it has been examined by the senior police officers on the directions of this Court. Even, this Court also perused the police record carefully and the findings

recorded by the IO in the present case are based on sufficient material. In the present case, the petitioner has raised a plea of *alibi* and submitted that he was not present at the place of recovery and has been falsely involved. Even otherwise, the plea of *alibi* is a disputed question of fact and can be adjudicated only during the course of trial and at the stage of disposal of the bail application, it is impossible for this Court to decide such a plea. In the present case, the petitioner was seen at the Park Hospital at around 01.54 p.m., whereas the raid was conducted at his house at 12.30 p.m. So, the petitioner could easily reach Park Hospital by 01.54 p.m. Even otherwise, the petitioner is found involved in the following 04 more criminal cases:-

(I) FIR No. 116 dated 15.06.2021 under Sections 21, 29 NDPS Act, 25 Arms Act, Police Station Dhuri, district Sangrur. (Under trial after framing of charge)

II. FIR No. 32 dated 12.02.2023 under Section 21 NDPS Act, Police Station Lehra, district Sangrur. (Under trial).

III. FIR No. 24 dated 10.03.2017 under Sections 304, 323, 325, 148 IPC, Police Station Moonak, district Sangrur. (Convicted on 31.05.2019 for 3 years 6 months and fine of Rs. 5,000/-).

IV. FIR No. 107 dated 21.07.2024 under Sections 21, 29 NDPS Act, Police Station Lehra, district Sangrur. (Under trial)".

8. Thus, keeping in view the seriousness of the allegations levelled against the petitioner as well as the antecedents, the petitioner

is not entitled to the relief of anticipatory bail and the petition is ordered to be dismissed.

07.07.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No