



CRM-M-21475-2025

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

CRM-M-21475-2025

Decided on: 24.04.2025

Gurnam Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Deepak Vashishth, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No. 231 dated 12.08.2024, registered under Section 15(C) of NDPS Act, 1985, at Police Station Julana, District Jind.
2. Succinctly facts of the case are that on 11.08.2024, the Police party received a secret information to the effect that Jagdeep Singh son of Kartar Singh, who was having a truck bearing registration No.NL01-K-9415, had employed Raj Kiran Verma @ Raju as a Driver, and both of them had loaded goods from Punjab in their truck for Madhya Pradesh, Maharashtra and Andhra Pradesh etc. It was informed that while coming back to Punjab, they had got poppy husk from Madhya Pradesh and concealed the same in the goods loaded in the said truck. It was further informed that they had parked their truck in the parking lot of Vishal Shuddh Vaishno Dhabha on Rohtak-Jind road. In case of raid, Jagdeep Singh and Raj Kiran Verma @ Raju could be arrested along with the contraband loaded in the truck. On receiving the secret information, notice under Section 42 of the NDPS Act, was prepared and a raiding team was



constituted. The team raided the place as disclosed and the truck as disclosed was found parked near the said Dhabha. On checking, three persons were found sitting inside the cabin of the truck. On asking, the Driver of the truck disclosed his name as Raj Kiran Verma @ Raju, the boy sitting on the side seat told his name as Lakhan Singh and the person sitting on the conductor seat disclosed his name as Jagdeep Singh. They were suspected to be carrying some contraband in the truck and, thus, search of the truck was conducted and three black coloured plastic sacks containing poppyhusk were found in the truck. On weighing, total poppyhusk recovered from three sacks came to be 69.185 kgs. The accused failed to produce any licence regarding possession of the same and thus, the FIR was registered and they were arrested on the spot. During the investigation, complicity of petitioner Gurnam Singh was found in the case and, thus, he was also arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Jind, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 05.12.2024. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor any recovery has been effected from him, however, he has been arrayed as an accused on the basis of the disclosure statement of the co-accused, which is not an admissible evidence. He submits that it is evident that no *prima*



facie case is made out against the petitioner and, thus, he deserves to be granted anticipatory bail.

4. Learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender and the quantity of contraband recovered in the present case falls under the commercial quantity and thus, provisions of Section 37 are attracted. He submits that the investigation is at the initial stage and thus, the petitioner does not deserve the concession of anticipatory bail.

5. After hearing learned counsel for the parties and perusing the record, it is inferred that total 69.185 kgs of poppyhusk has been recovered from the truck, which falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. Three accused were arrested on the spot. During investigation, they made disclosure statements, wherein complicity of the petitioner was found. Further, during investigation phone call record of the petitioner was also collected and he was found to be in communication with co-accused Jagdeep Singh. As submitted before this Court, the petitioner was declared as PO in one more case. Needless to say that the preset petition has been filed for grant of anticipatory bail to the petitioner in a case investigation of which is at threshold. Hon'ble Supreme Court in **The State of Haryana vs. Samarth Kumar, 2022 Livelaw (SC) 622** has held that in the cases like the present one, the accused may take advantage of facts like no recovery was effected from him and that he was implicated on the basis of disclosure statement made by the main accused, at the time of arguing regular bail application or at the time of final hearing after conclusion of trial.



6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also



materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary powers by this Court in his favour. Resultantly, the petition

being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

24.04.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No