**CRM-M-25558-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.203****Case No. : CRM-M-25558-2025****Decided On : August 01, 2025**

Gurmail Singh and another Petitioners
vs.
State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Mr. Abhaysher Singh, Advocate
for the petitioners.

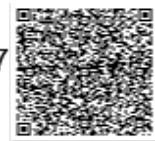
Mr. P. S. Pandher, AAG, Punjab.

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SUKHVINDER KAUR, J. :

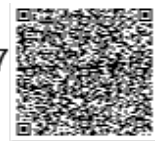
Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioners in FIR No.105 dated 07.08.2024, under Sections 15/25/29 of NDPS Act, registered at Police Station Kot Ise Khan, District Moga.

The prosecution version, in brief, is that on 07.08.2024, secret information was received by the police that one Pippal Singh was confined in jail in connection with a case under NDPS Act. His son namely Inderjit Singh @ Labha and one Joga Singh used to get smuggled poppy husk through trucks and supply the same in Punjab after loading them in small vehicles. Even on that day i.e. 07.08.2024, the said persons were coming on Bolero Pick-up bearing registration No.PB-10-HH-7657, loaded with poppy husk and if raid was conducted, they could be apprehended.



Accordingly, the place, as informed by the secret informer was raided. One Pick-up vehicle and one young man were spotted at that place. Though the said person fled from the spot, but on checking the said vehicle, 30 bags of poppy husk were recovered. Each bag was weighing 20 kg. During investigation of the case, on the basis of production warrants, aforesaid Pippal Singh was arrested in this case and his disclosure statement was got recorded, wherein he disclosed that Inderjit Singh @ Labha is his son and on his asking, Pippal Singh had informed the names of person, who were from Madhya Pradesh and were indulged in smuggling of poppy husk. Thereafter, petitioners got smuggled poppy husk from said persons in connivance with Joga Singh. After getting delivery of said poppy husk, Inderjit Singh and Joga Singh used to further smuggle it to other persons through Manjit Singh @ Mani and Sarabjit Singh @ Sabbi. Consequently, during investigation, Joga Singh and Manjit Singh @ Mani were also arrested in this case on 02.09.2024 on the basis of production warrants as they were already confined in jail in connection with some other case. When disclosure statements of both these accused persons were recorded, they disclosed the names of both the petitioners – Gurwinder Singh @ Gindu and Gurmail Singh @ Sonu, while informing that the vehicle used in smuggling the contraband i.e. Bolero Pick-up bearing registration No.PB-10-HH-7657 belonged to Gurmail Singh @ Sonu, who was driving the vehicle and Gurwinder Singh @ Gindu, who was driving the Swift Car, was also present at the spot, when police conducted the raid. It was also disclosed by them that the poppy husk recovered by the police belonged to Inderjit Singh.

This is how the names of both the petitioners cropped up in the present case.

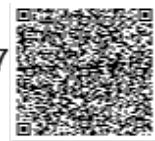
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Learned counsel for the petitioners contended that the petitioners have not been initially named in the FIR. They have been arrayed as accused in the present case only on the basis of disclosure statement of co-accused Joga Singh and Manjit Singh @ Mani, after lapse of period of about one month of registration of present FIR. The Bolero Pick-up vehicle allegedly used in transporting the contraband belonged to father of the petitioners - Gurwinder Singh @ Gindu and Gurmail Singh @ Sonu, which was borrowed by co-accused Sarabjit Singh. It has further been submitted that Jugraj Singh @ Joga has already been granted concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 07.03.2025. Nothing incriminating had been recovered from the petitioners and their custodial interrogation is not required for any purpose and therefore, they be granted concession of anticipatory bail.

Status Reports dated 07.07.2025 and 16.07.2025, filed on behalf of respondent-State, have already been placed on record.

Learned State counsel has opposed the present bail petition while contending that the petitioners also indulged in the smuggling of poppy husk that had been recovered from co-accused, which falls within the commercial quantity.

The names of the petitioners have surfaced during the disclosure statements suffered by co-accused Joga Singh and Manjit Singh @ Mani. Manjit Singh got recorded his disclosure statement that on 07.08.2024, they along with Jagraj Singh @ Joga and Gurwinder Singh @ Gindu (petitioner no.2) were sitting in the Swift Car bearing registration No.PB-25-J-5677, whereas Gurmail Singh (petitioner no.1) was driving the



Bolero Pick-up vehicle bearing registration No.PB-10-HH-7657, in which 30 bags of poppy husk were loaded. He further stated that they were plying their car in front of the aforesaid Bolero Pick-up vehicle for safety/Rickie. All of them stopped the Pick-up vehicle in which bags of poppy husk were loaded near the pits of sand. In the meantime, they saw the police vehicle, due to which Gurmail Singh ran away with them in their Swift Car, leaving behind his Bolero Pick-up along with bags of poppy husk at the spot.

In the Status Report, it has also been mentioned that previously, both the petitioners approached this Court by way of **CRM-M-62222 of 2024** for getting the relief of anticipatory bail, wherein they tried to mislead the Court by producing a copy of alleged agreement dated 28.07.2022, vide which Resham Singh (father of the petitioners) had allegedly given his vehicle bearing registration No.PB-10-HH-7657 on rent to Manjit Singh son of Dalbir Singh. However, in compliance of directions issued by this Court, verification was conducted by police and during investigation, the said agreement was found to be false. In the meantime, the aforesaid petition was withdrawn by the petitioners.

As per the Status Report, two more criminal cases have been registered against petitioner no.2 Gurwinder Singh and out of these two cases, one case has been registered under the NDPS Act.

Keeping in view the specific allegations and peculiar circumstances regarding involvement of the petitioners in the present case, no ground for granting anticipatory bail to the petitioners is made out. Their custodial interrogation is required to ascertain the origin of contraband and for taking the investigation to its logical end. Denial of custodial



interrogation of the petitioners will adversely effect the investigation in the present case. Accordingly, the present petition stands dismissed.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

August 01, 2025

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(SUKHVINDER KAUR)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>