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

**CRM-M-27367-2025 (O&M)
Date of decision: 19.05.2025**

Gagandeep Chawla @ Sony Chawla

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Waraich (Rana), Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.62 dated 29.04.2025 under Section 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 29 of NDPS Act (*added later on*), registered at Police Station Badhni Kalan, District Moga.

2. Succinctly, the facts of the case are that on 29.04.2025, ASI Jaswant Singh along with other police officials, while on patrolling duty, was

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present at Bus Stand Lopo, he received a secret information that one Surjit Singh is indulged in smuggling of intoxicant tablets he is coming to Village Lopo, Minia for selling the same. If a barrier is laid at the appropriate location, he can be apprehended with the intoxicant tablets. Thereafter, requisite formalities were completed as prescribed under the provisions of NDPS Act and 200 white coloured and 110 light orange coloured loose tablets were recovered from his conscious possession. Hence, the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*). Admittedly, the alleged contraband has been recovered from the conscious and exclusive possession of co-accused Surjit Singh, who nominated the petitioner in the disclosure statement suffered by him during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same is hit by Sections 25 & 26 of Indian Evidence Act, 1872 (*now Sections 23(1) & 23(2) of the Bharatiya Sakshya Adhiniyam, 2023*). Further, the alleged recovered contraband falls within the ambit of non-commercial quantity.

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that only after receipt of FSL report, it would be conclusively determined whether the alleged recovery falls within the ambit of commercial or non-commercial quantity. Further, the petitioner is supplier of the alleged contraband recovered from co-accused and is involved in one more under the provisions of NDPS Act. As such, custodial



interrogation of the petitioner is required to conduct proper investigation.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is habitual offender and is involved in one more FIR registered under NDPS Act. The investigation is at the initial stage and to ascertain the supply chain and *modus operandi* of the petitioner as well as to take the investigation to its logical end, custodial interrogation of the petitioner is imperative.

6. Keeping in view the facts and circumstances of the case and considering the antecedents of the petitioner, this Court finds no ground to grant him the concession of anticipatory bail. Accordingly, present petition is dismissed.

7. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

19.05.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No