

2025:PHHC:086822



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

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CRM-M-27012-2025 (O&M)
Date of decision: 16.07.2025

Kamaldeep Singh Dhiman @ Kamaldeep Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Monty Goyal, 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 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 62 dated 02.04.2025, registered under Sections 21, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dugri, District Ludhiana.

2. Brief facts of the case relevant for the disposal of the present petition are that on 02.04.2025, co-accused Sahil Sood, Kuntal Sachdeva and Jaskaran Singh @ Ricky, while coming in a car bearing registration number PB-91-J-0424, were apprehended by a police party and recovery of 50 grams of heroin was effected from them. Upon interrogation, they disclosed that the present petitioner was involved with them in commission of subject crime as a facilitator and conspirator and is a part of large network which is engaged in the procurement, distribution and financing of the contraband. On the basis of

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the same, the petitioner was nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Ludhiana but the same had been dismissed, vide order dated 25.04.2025.

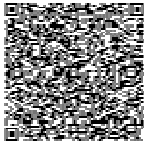
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject crime. He has clean antecedents. No recovery is to be effected from him. He is ready to join the investigation. No useful purpose would be served by detaining him in 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 keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. His custodial interrogation is required for conducting proper investigation in the matter. 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. Co-accused, who were apprehended at the spot and from whom the alleged contraband was recovered, have duly named the petitioner as a facilitator and main conspirator of the subject crime. It is also the allegation

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against him that he is a part of a drug syndicate. The allegations against him are quite serious. No sparing or extraordinary circumstance has been made out in his favour for grant of pre-arrest bail. Rather, his custodial interrogation is required for conducting proper investigation in the matter and also for effecting further recovery of the contraband, if any. 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. Many useful information can be disinterred during custodial interrogation. 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. Accordingly, finding no merit, the petition is dismissed.

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.

16.07.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No