

2025:PHHC:102529



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

1. CRM-M-32156-2025 (O&M)

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-32396-2025 (O&M)

Manjinder Singh @ Bunt

...Petitioner

Versus

State of Punjab

...Respondent

3. CRM-M-32398-2025 (O&M)

Pritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

Reserved on : 01.08.2025
Pronounced on : 08.08.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. J. S. Jaidka, Advocate and
Ms. Garima Arora, Advocate
for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This common order shall dispose of above mentioned three petitions as they arise out of the same FIR and seek similar reliefs.

2. Prayer in these petitions, filed under Section 482 of Bharatiya

2025:PHHC:102529



Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of anticipatory bail to the petitioners in case arising out of FIR No. 47 dated 13.05.2025, registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Jodhan, District Ludhiana.

3. The aforementioned FIR was registered on the allegations that on 13.05.2025, a secret information was received that accused Bikramjit Singh was involved in the business of selling contraband and on that day, he was going towards village Pamaal in a car bearing registration number PB-10-GE-2063 to sell heroin and could be apprehended with huge quantity thereof. Believing the secret information to be true, a *ruqa* was immediately sent to the police station for registration of the FIR. The police party laid a *nakabandi* at the bridge of minor canal in the area of village Pamaal and apprehended accused Bikramjit Singh, who reached there in the aforementioned car. After completing requisite formalities, his search was conducted in the presence of DSP Inderjit Singh and 255 grams of heroin was recovered from the right side pocket of his pant. The same was taken into custody. Accused Bikramjit Singh was formally arrested. He was interrogated and suffered disclosure statement to the effect that he along with co-accused Baljinder Singh @ Bali had purchased heroin from Jaswinder Singh and had handed over the same to accused Gurdev Singh @ Dev and petitioner Gurpreet Singh @ Gopi petitioner for selling the same to different customers. It was also found that petitioners Manjinder Singh @ Buty and Pritpal Singh were also involved in the smuggling/sale of heroin. On the basis of the same, the petitioners herein including some other persons have been nominated in this

2025:PHHC:102529



case as co-accused. Co-accused Gurdev Singh @ Dev, Jaswinder Singh and Baljinder Singh @ Bali were arrested. Some other accused persons were subsequently arrested. Petitioners could not be arrested. The investigation is still underway. Apprehending their arrest, petitioners moved applications for grant of pre-arrest bail, which has been dismissed by the Court of learned Judge Special Court, Ludhiana vide orders dated 29.05.2025 and 03.06.2025, respectively.

4. Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in this case. They were neither named in the FIR nor were found at the spot. They have been nominated in this case on the basis of the disclosure statement suffered by above named co-accused, which is in fact inadmissible in evidence against them. The petitioners are not involved in any other case under the NDPS Act. No recovery is to be effected from them. They are ready to join the investigation. No useful purpose would be served by detaining them in custody. Therefore, it is urged that the petition deserves to be allowed. To fortify his argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1.***

5. Separate status reports have 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, the petitioners are not entitled to get benefit of bail. Commercial quantity of the contraband has been recovered in this case. Custodial interrogation of the petitioners is required for proper investigation in the matter as well as for effecting further recovery of the contraband, if any. It is, thus, argued that the petitions are

2025:PHHC:102529



liable to be dismissed.

6. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

7. As per the allegations, recovery of 255 grams of heroin was effected from co-accused Bikramjit Singh on 13.05.2025. The petitioners have been nominated in this case on the basis of the disclosure statement suffered by the said co-accused. The allegations against them are that they were indulged in smuggling/sale of heroin with said co-accused. The allegations are quite serious in nature. The case involves recovery of commercial quantity of the contraband. The custodial interrogation of the petitioners is required for bursting the nexus and also for effecting further recovery of the contraband, if any. Even otherwise, no sparing or extraordinary case has been made out in favour of the petitioners for grant of anticipatory bail. So far as the ratio of law as laid down by Hon'ble Supreme Court in ***Tofan Singh***'s case (supra) is concerned, the same stands clarified by Hon'ble Supreme Court in ***State of Haryana vs. Samarth Kumar : 2022(3) RCR (Criminal) 991***, wherein it has been held that the advantage of decision of ***Tofan Singh***'s case (supra) can be taken in regular bail application or at the time of final hearing after conclusion of trial and not while seeking concession of pre-arrest bail. 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

2025:PHHC:102529



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 BNSSC. 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 petitioners to seek concession of pre-arrest bail has been made out rather their custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petitions are dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.

9. Let a photocopy of this order be placed on the files of the connected cases.

08.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No