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

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CRM-M-33870-2025 (O&M)
Date of decision: 03.07.2025

Gurnam Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Daman Jeet Bhoriwal, Advocate
for the petitioner.

Ms. Himani Arora, 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. 69 dated 13.03.2025, registered under Sections 21(C), 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station ANTF, District SAS Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 13.03.2025, co-accused Kuldeep Singh @ Gagan was apprehended by BSF personnel and recovery of 02 kgs. 522 grams of heroin along with 12 luminous strips was effected from him. The local police was duly informed in this regard. Upon interrogation, the above named co-accused disclosed that the present petitioner and one other person were also with him when he was apprehended by BSF personnel. He also disclosed that the present petitioner was in touch with Pakistani smugglers and the recovered contraband was arranged by him from Pakistani smugglers through drones. On

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the basis of the same, the petitioner has also been 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, Ferozpur but the same had been dismissed, vide order dated 29.05.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. In fact, he has been roped in this case due to political pressure on the police. The petitioner is not involved in any other criminal case. He is ready to join the investigation. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious allegations against the petitioner. He was instrumental in procuring the recovered contraband from Pakistani smugglers through drone. His custodial interrogation is required for conducting thorough investigation in the matter and also for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

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

6. Recovery of a huge quantity of heroin has been effected from the co-accused. The allegations against the petitioner are that he had procured the recovered contraband from Pakistani smugglers through drone, which are quite

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serious in nature. Although he has been nominated in this case on the basis of the said co-accused but his custodial interrogation is must for conducting proper investigation in the matter. Even otherwise, no extraordinary or exceptional circumstance has been made out in favour of the petitioner for grant 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 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 rather his custodial interrogation is required for thorough investigation in the matter by the police. 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.

03.07.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No