



CRM-M-34537 of 2025

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

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CRM-M-34537 of 2025  
Date of Decision: 19.11.2025

Gurvinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Parveen Kumar, Advocate  
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.51 dated 21.02.2025 registered under Section 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station ANTF, ANTF Wing.

2. Brief facts as per the prosecution case are that on 21.02.2025, SI Sanjeev Kumar along with other police officials was on patrolling duty and on the basis of secret information, apprehended two persons, namely, Manjit Singh and Gursewak Singh, who were found in conscious possession of 604 grams and 405 grams of heroin respectively. Initially, the FIR in question was registered against the said co-accused Manjit Singh and Gursewak Singh.

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3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was named in the FIR nor has any concern with the said offence. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Manjit and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further argues that nothing has been recovered from conscious possession of the petitioner and rather, the alleged recovery of 501 grams of heroin has been effected from the house of the petitioner as well as co-accused Lakhwinder Singh @ Nikka. He further submits that and nothing more is to be recovered from him. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Judge, Special Court, Jalandhar, vide order dated 28.03.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argues that recovery of alleged contraband effected in the present

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case falls under the commercial quantity and as per the disclosure statement of co-accused Manjit Singh, the petitioner along with other co-accused, namely, Lakhwinder Singh @ Nikka and Jaswinder Singh, was jointly engaged in the business of narcotic drugs. He further argues that recovery of 501 grams of heroin was effected from the house of the petitioner as well as co-accused Lakhwinder Singh @ Nikka, which itself shows direct involvement of the petitioner in supply of drugs. He further argues that custodial interrogation of the petitioner is required to ascertain the linkages in the business of selling and trading of narcotic drugs. Hence, he prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the disclosure statement of co-accused, the petitioner along with other co-accused, has indulged in the business of narcotic drugs. There are specific allegations against the petitioner and recovery of 501 grams of heroin was effected from his house and his custodial interrogation is required to unearth the *modus operandi* and to complete the investigation, which so far indicates involvement of the petitioner in the drug nexus.

8. There is steady increase of smuggling of illicit drugs in the country. The increasing instances of drug smuggling pose a grave threat not only to the general public but also impacts the youth of the nation. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter.

9. It is befitting to mention here that while considering a plea for



grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

*"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it

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will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case.

**19.11.2025**  
*D.Bansal*

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No