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

CRM-M-34857-2025 (O&M)

Date of decision: 07.07.2025

Amardeep Singh @ Amar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navraj Singh, Advocate and
Mr. Sanjeev K. Virk, 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.154 dated 23.05.2025 under Section 21(b), 29 & 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 25 of Arms Act, registered at Police Station Phillaur, District Jalandhar Rural.
2. Brief facts of the case are that on 23.05.2025, ASI Bhupinder Singh along with other police officials, while on patrolling duty, were going towards Nawanshahr Bus Stand and Phillaur Area and when they reached near the parking gate of Kachehri Complex, a young person, on seeing the police



vehicle, started running swiftly towards the parked cars in the adjacent park. Upon suspicion of having some narcotic substance, he was apprehended while attempting to sit in White coloured XUV car bearing registration No.PB-08EJ-5309. Upon inquiry, he disclosed his name as Sukhdeep Singh @ Matti. Thereafter, requisite formalities were completed as prescribed under the provisions of NDPS Act and recovery of one .32 bore foreign pistol along with 07 live cartridges of 7.65 MM and 20 grams of heroin was effected. Hence, the FIR (*supra*).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*). Admittedly, nothing has been recovered from the petitioner and he has been nominated in the FIR (*supra*) only on the basis of disclosure statement suffered by co-accused Sukhdeep Singh 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*).

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that complicity of the petitioner is duly established. The petitioner is a member of gang, which was selling heroin after procuring the same from one Vicky of Jalandhar. One .32 bore pistol, 07 live cartridges and 20 grams of heroin along with drug money amounting to Rs.2.00 lakh have been recovered in the present case. Co-accused Sukhdeep Singh has specifically named the petitioner as his accompish. The



petitioner is involved in one more case under NDPS Act. As such, his custodial interrogation is required to unearth the *modus operandi* in procuring the heroin and selling the same.

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

07.07.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No