

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 106

Criminal Miscellaneous No.M-43794 of 2025**Date of Decision: August 12, 2025**Jaswinder Pal Singh

..... PETITIONER(S)

*VERSUS*State of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**PRESENT:** - Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Ravinder Singh, Deputy Advocate General, Punjab.

SUBHAS MEHLA, J

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking anticipatory bail in case FIR No.40 dated 14.05.2025 under Sections 21-C, 27-A, 29 of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS) and under Section 25 of Arms Act, 1959, registered at Police Station, Verka, Amritsar.

2. Brief facts of the case are that 500 grams of heroin was recovered from Varinder Pal Singh and Gurmukh Singh on 14.05.2025. During their interrogation, they suffered disclosure statement that they get the contraband from one Tejinder Kumar @ Sunny on asking of the present petitioner, who is brother of co-accused Varinder Pal Singh. They also disclosed that Tejinder Kumar @ Sunny used to supply heroin to them after smuggling it across the Indo-Pak border. After selling the contraband, drug money was kept in the house of petitioner. At the disclosure statement of co-accused Varinder Pal Singh and Gurmukh Singh, drug money of ₹ 15,01900/- and one drone were got recovered from the house of petitioner.

3. Learned counsel for the petitioner has contended that petitioner has been falsely involved in the present case. He has been nominated as accused



only on the basis of disclosure statement of co-accused Varinder Pal Singh and Gurmukh Singh, which is not even admissible in evidence. The petitioner has no concern with the alleged recovery. He is ready to join the investigation.

3. *Per contra*, learned State counsel has opposed the prayer made in the petition and submitted that present petitioner is a member of gang who is involved in smuggling of narcotics across the border, and drug money of ₹ 15,01900/- alongwith one drone was recovered from his house on the disclosure statement of co-accused. There is sufficient material with regard to his implicitly in the alleged crime.

4. Heard.

5. As per the prosecution version, on 14.05.2025, 500 grams of heroin was recovered from co-accused Varinder Pal Singh and Gurmukh Singh by the police party headed by ASI Balwinder Singh. On interrogation, accused suffered their disclosure statement that heroin was supplied by one Tejinder Kumar @ Sunny on asking of the present petitioner and after selling the contraband, drug money was kept in the house of the petitioner. Accordingly, at the demarcation of co-accused, the alleged drug money of ₹ 15,01900/- was also recovered alongwith one drone from the house of the petitioner.

6. Cross-border smuggling of drugs poses a significant threat to national security, public health and social stability. It undermines law enforcement efforts, fuels organized crime and contributes to widespread addiction and violence in affected communities. Smugglers exploit porous borders and inadequate surveillance, making it difficult for authorities to intercept illegal substances. This illicit trade not only drains economic resources but also destabilizes governments by fostering corruption and weakening institutions.



7. The alleged recovery of 500 grams of heroin falls under the category of commercial quantity, which attracts the rigours of Section 37 of NDPS Act and it would not be just for the Court to let the petitioner out. There is nothing on record to indicate that petitioner is not guilty of the said offence. The acquisition made against him is *prime facie* well founded. Granting anticipatory bail in matter of such quantity of narcotics would not only impede the on-going investigation but also send a detrimental message undermining the rule of law. It is sufficient to infer that the petitioner has actively indulged himself in business of selling narcotic substances. Smuggling of narcotics that too across the border is a serious crime. Not only this, even two pistols of .32 bore and .30 bore were recovered from co-accused, Tejinder Singh. It can safely be inferred from the aforesaid discussion that the petitioner and his co-accused would have contacts across the border from where the contraband is received to them. The source of drugs entering the country and the first culprit(s) to receive the contraband are required to be traced out by the investigating agency, for which the custodial interrogation of the petitioner is necessary.

8. This Court finds that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favorable order under Section 482 of BNSS. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations 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 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 would not conduct themselves as offenders as held by the Supreme Court in ‘**State Represented by the C.B.I. v. Anil Sharma**’, 1997(4) RCR (Criminal) 268.

10. For the foregoing reasons, this Court does not find any substance in the present petition and the same is accordingly dismissed.

(Subhas Mehla)
Judge

August 12, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No