

2025:PHHC:070502



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

204

CRM-M-46985-2024 (O&M)
Date of decision: 23.05.2025

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 48 dated 24.06.2024, registered under Section 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bhargo Camp, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.06.2024, co-accused Jagsir Singh was apprehended by the police party and recovery of 400 grams of heroin was effected from him. Upon interrogation, he disclosed that the recovered contraband was given to him by co-accused Buta Singh for supplying the same to a person. It was also disclosed by him that co-accused that Buta Singh used to sell contraband to one Deepa Brar and receive money from him into his account.

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The alleged Deepa Brar and the petitioner are stated to be the one and same person. On the basis of the same, the petitioner was 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, Jalandhar but the same had been dismissed, vide order dated 18.07.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has not been named in the FIR. He has been nominated in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. The petitioner has been involved in this case only due to fact that he had received an amount of Rs. 7,54,000/- from co-accused Buta Singh. Except this, there is nothing on record to connect the petitioner with the subject crime. The petitioner is not involved in any other case. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of anticipatory bail as there are serious allegations against him. He used to purchase heroin from co-accused Buta Singh and used to transfer him money. During investigation, it has been verified that the petitioner has transferred an amount of Rs. 7,54,000/- to him. Custodial interrogation of the petitioner is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Jagsir Singh with an allegation that he used to buy contraband from co-accused Buta Singh. During investigation, it has been found that the petitioner has transferred an amount of Rs.7,54,000/- to co-accused Buta Singh as payment against the purchase of heroin. The allegations against the petitioner are quite serious. His custodial interrogation is required for proper investigation in the matter. 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 of granting anticipatory bail 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 of anticipatory bail. 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

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construed as an expression of opinion on the merits of the case.

23.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>