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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH  
203

CRM-M No.44199 of 2025  
Date of decision: 23.12.2025

Lovepreet Singh ... Petitioner  
Vs.  
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ranwant Singh Sangha, Advocate,  
for the petitioner.  
  
Ms. Sakshi Bakshi, AAG, Punjab,  
for the respondent-State.

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MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

| FIR No. | Dated      | Police Station                   | Sections                                                                                                                                                                 |
|---------|------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 69      | 17.04.2025 | Sadar Khanna,<br>District Khanna | 22 and 27(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (29 of NDPS Act and 111 of the Bharatiya Nyaya Sanhita, 2023 added later on) |

2. As per the allegations, on 17.04.2025, recovery of 437 tablets of Lomotil, one pouch of intoxicant tablets of brand Phenotil containing

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100 sealed tablets and drug money of Rs.1,02,000/- was effected from the conscious possession of the accused Nitish Kumar. He was formally arrested. On interrogation, he suffered disclosure statement to the effect that in the year 2024, while being confined in Nabha Jail, he had come into contact with the present petitioner who had asked him to join business of selling intoxicant to earn huge profits. He disclosed that the petitioner had asked him to supply intoxicant to his customers and to keep his share of profit to which he (Nitish Kumar) had agreed and then the petitioner had started supplying contraband intoxicant tablet and capsules etc. to Nitish Kumar who used to sell it further. On his disclosure, the petitioner was nominated as accused. The accused Nitish Kumar further got recovered 480 intoxicant tablets of Lomotil from his house. The call detail records of the petitioner and Nitish Kumar have also been collected during investigation which revealed that they were in contact with each other. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 04.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence.

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Recovery on co-accused has been falsely planted so as to make it a case of recovery of commercial quantity of intoxicant tablets. No recovery is, however, to be effected from him. He is ready to join the investigation. It is, as such, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. His custodial interrogation is required for conducting thorough and proper investigation in the matter. The rigors of Section 37 of NDPS Act are attracted in this case. The petitioner has criminal antecedents. The call detail record between the petitioner and Nitish Kumar has been collected which shows his active complicity in the crime. With these broad submissions, it is stressed that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have connived with the co-accused Nitish Kumar to supply contraband/intoxicant tablets so that the co-accused could sell it further. Recovery of commercial quantity of contraband has been effected from the co-accused Nitish Kumar. The investigation conducted so far has revealed that the petitioner and co-accused were in touch with each other. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is

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must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The 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. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity thereof, the role attributed to the petitioner, the

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likelihood of his influencing the course of investigation and also of tampering with the evidence, no ground has been made out for allowing the petition. As such, this Court of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23.12.2025  
manju

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No