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

203

CRM-M-47951-2024 (O&M)
Date of decision: 04.07.2025

Inderjeet Singh @ Labhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 181 dated 14.08.2024, registered under Sections 21, 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Jalandhar, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 14.08.2024, co-accused Manjit Singh @ Mani was apprehended by a police party headed by SI Jaswinder Singh and recovery of 01 kg. 25 grams of heroin was effected from him. He was formally arrested at the spot. Upon interrogation, he disclosed that the recovered contraband was brought by him from the present petitioner, who was involved in selling opium, poppy husk and heroin. On the basis of the same, the petitioner has

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been 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 18.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused, which is not admissible in evidence. Although the petitioner is shown to be involved in some other cases but he is on bail in those cases. It is further argued that the petitioner is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed. To fortify his argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that although the petitioner has been nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity in the subject crime has been duly established. He is involved in sale/purchase of the contraband. He is involved in three other cases under the NDPS Act, apart from five cases registered against him under the provisions of IPC. His custodial interrogation is required 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 heard 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 Manjit Singh, from whose custody, recovery of 01 kg. 25 grams of heroin was effected. The allegations against the petitioner are that he was the supplier of the recovered contraband. A perusal of the status report reveals that one Jugraj Singh was also nominated in this case and at his instance, recovery of 05 kgs. 58 grams of opium was effected. The petitioner is shown to be involved in multiple criminal cases, out of which, three cases have been registered under the NDPS Act. It goes to show that the petitioner along with co-accused is indulged in sale/purchase of the different contrabands. It has also transpired during arguments that proclamation proceedings are pending against the petitioner in some other case. The custodial interrogation of the petitioner is required for proper investigation in the matter. Even otherwise, no extraordinary or exceptional circumstance has been made out in favour of the petitioner for grant of anticipatory bail. So far as the ratio of law as laid down by Hon'ble Supreme Court in *Tofan Singh's* case (supra) is concerned, the same stands clarified by Hon'ble Supreme Court in *State of Haryana vs. Samarth Kumar : 2022(3) RCR (Criminal) 991*, wherein it has been held that the advantage of decision of *Tofan Singh's* case (supra) can be taken in regular bail application or at the time of final hearing after conclusion of trial and not while seeking concession of pre-arrest bail. 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,

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the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS 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 under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the aforesaid facts and circumstances, 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 construed as an expression of opinion on the merits of the case.

04.07.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No