



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

**107**

**CRM-M-50798-2025  
Decided on : 10.09.2025**

**HARJOBANPREET SINGH @ KALA .....PETITIONER**

**Versus**

**STATE OF PUNJAB .....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr.Robin Singh Bhullar, Advocate and  
Mr. Jashandeep Singh, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

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**SUBHAS MEHLA, J.**

This is the first petition filed under Section 482 BNSS, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No. 97 dated 09.08.2025 under Sections 21/25/29/61/85 NDPS Act, registered at Police Station Sadar Raikot, District Ludhiana Rural.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR. He further contends that petitioner is not named in the FIR and his name has been surfaced on the basis of disclosure statement of co-accused and custodial interrogation of the petitioner is not required as the recovery has already been effected from other co-accused. He prays for grant of anticipatory bail to the petitioner while submitting that he is ready and willing to join the investigation.

3. Notice of motion.

4. Mr. Subhash Godara, Addl. AG, Punjab, who is present in the Court accepts notice on behalf of respondent-State and opposes the



contention raised by learned counsel for the petitioner and submits that 152 grams heroin has been recovered from the vehicle in which co-accused were travelling. Moreover, the petitioner is also involved in three other criminal cases. Learned State counsel submits that the petitioner is required for custodial interrogation and is not entitled for concession of anticipatory bail.

5. Heard.

6. Keeping in view the submissions made by learned counsel for the parties and the fact that allegations against the petitioner are serious in nature that he is involved in trafficking of Narcotic Drugs and Psychotropic Substances. The antecedents of the present petitioner are also not clean and clear as there are three other criminal cases registered against the petitioner. The drug menace in India has been increasing at an alarming rate, posing a serious threat to public health, social stability and national security. The petitioner is required to ascertain his role in the present case and to trace out the source of the contraband. Hon'ble Apex Court in **"Anarul SK versus The State of West Bengal, SLP(Crl.) No. 12621/2024"**, observed that *"Grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances(NDPS) is a very serious issue..."*. Ergo, for the aforesaid purpose and in view of law laid down by the Hon'ble Supreme Court in case titled as **'CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806' decided on 03.08.1997**, wherein it has been held as under:-

*....custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he*



*interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the oustodial 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 task of disinterring offences would not conduct themselves as offenders.*

custodial interrogation of the petitioner is required.

- 7. Present petition stands dismissed.
- 8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

**(SUBHAS MEHLA)**  
**JUDGE**

10.09.2025  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |