

2025:PHHC:167154



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

211

CRM-M-56390-2025 (O&M)
Date of decision: 02.12.2025

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Manpreet Ghuman, 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. 15 dated 19.01.2025, registered under Sections
21, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985
(*for short 'NDPS Act'*) at Police Station Civil Lines, District Patiala.

2. Brief facts of the case relevant for the disposal of the present
petition are that on 19.01.2025, on the basis of a secret information, co-
accused Onkar Singh, while travelling in a car bearing registration number
HR-41-J-1908, was apprehended by a police party and recovery of 03 kgs.
500 grams of Smack and drug money of Rs. 6.5 Lakhs was effected from him.
During the course of investigation, he disclosed that he along with one Rakesh
Kumar @ Kaku used to prepare smack. He also disclosed that the recovered
drug money belonged to him and the said co-accused. On the basis of the

2025:PHHC:167154



same, Rakesh Kumar @ Kaku was nominated as an accused in this case. Co-accused Onkar Singh also disclosed that he used to give 200 grams of smack daily to the present petitioner. Some other persons were also nominated as accused on the basis of the disclosure statement suffered by accused Onkar Singh. On the basis of the same, the petitioner has been nominated as an accused in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Patiala but the same had been dismissed, vide order dated 27.06.2025.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The petitioner 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 against him. There is nothing on record to connect the petitioner with the subject offence, except the said disclosure statement of the co-accused. The petitioner 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. Status report has been filed by the respondent-State. Learned State counsel has argued that the petitioner is not entitled to get benefit of anticipatory bail as there are serious allegations against him. He was actively involved with the co-accused in sale/purchase of the contraband. One more case of similar nature has been registered against him at the same police station. His custodial interrogation 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.

2025:PHHC:167154



5. This Court has heard the rival submissions.
6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Onkar Singh, from whose custody, recovery of 3.5 kgs. of smack and drug money of Rs.6,50,000/- was effected. The allegations against the petitioner are that he used to buy 200 grams of smack everyday from him and was actively involved with the co-accused in sale/purchase of the contraband. The allegations against the petitioner are quite serious in nature. He is shown to be involved in a similar case, which has been registered against him at the same police station. His custodial interrogation is must for thorough and proper investigation in the matter. Even otherwise, no extraordinary or exceptional circumstance has been made out for grant of anticipatory bail in favour of the petitioner. 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 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. 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.

2025:PHHC:167154



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.

02.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

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