



CRM-M-57704-2025

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

CRM-M-57704-2025

Decided on: 28.10.2025

Amandeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Suresh Kumar Arya, Advocate, for the petitioner.
Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.463 dated 24.10.2024, registered under Sections 21/22/29 of NDPS Act, 2023, at Police Station City Barnala, District Barnala.

2. Succinctly, facts of the case are that on 24.10.2024 the police party while on patrolling, received a secret information to the effect that Jagjit Singh @ Giani son of Jagroop Singh and Ghanso wife of Sewak Singh are indulged in the business of selling narcotics pills and intoxicant bottles on their white coloured scooter being supplied by Bhushi wife of Charanjit Singh. It was informed that on 24.10.2024 also, Bhushi supplied them intoxicant pills and intoxicant bottles and they are roaming around the Basti backside of Ram Bagh in search of customers. In case of raid, they could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and raided the house of Ghanso



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and Jagjit Singh @ Giani and recovered 1600 strips of intoxicant tablets labelled CARISOMA (Carisorprodol tablets IP) each strip containing 10 tablets i.e. 16000 tablets and 250 intoxicant vials labelled MAVEREX-T (Triprolidine Hydrochloride and Codenine Phosphate Syrup) each vial containing 100 ml. Thus, on the registration of the FIR, they were arrested. During the investigation, name of Amandeep Singh (petitioner) along with other co-accused was surfaced and hence, he was also arrayed as an accused. Apprehending arrest the petitioner approached the Court of learned Judge, Special Court, Barnala for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 18.07.2025. Hence, aggrieved against the said order, the petitioner is before this Court by of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner has been named in the FIR, nor any recovery has been effected from him. However, he was implicated in the present case only on the basis of disclosure statement of the co-accused, which is even not an admissible evidence. He has submitted that though the alleged recovery from the co-accused i.e. 250 vials, containing Triprolidine Hydrochloride and Codenine Phosphate, falls under the commercial quantity, however, recovery i.e. 16000 tablets of CARISOMA falls under the non-commercial quantity. He has relied upon the judgment of Hon'ble Supreme Court in **Jugraj Singh vs. State of Punjab**, Law Finder Doc Id # **2768816**. He has further submitted that nothing is to be recovered from the petitioner and thus, his custodial interrogation is not required. He, thus,



submits that in the overall fact and circumstances, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that custodial interrogation of the petitioner is required to know the source of contraband and for the purpose of thorough investigation. He, thus, submits that no case for the grant of anticipatory bail is made out out.

5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the during the investigation, involvement of the petitioner was substantiated. The recovery effected from the co-accused of the petitioner is of commercial in nature and thus, provisions of Section 37 of NDPS Act, are attracted. There is no dispute regarding the judgment relied upon by learned counsel for the petitioner, however, in the facts and circumstances of the case, the same is distinguishable. For free and fair investigation, custodial interrogation of the petitioner is required.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such*



directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced 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 custodial 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 disintering offences would not conduct themselves as



offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. The petitioner has approached this Court praying for grant of anticipatory bail, however, Hon'ble Supreme Court in ***The State of Haryana vs. Samarth Kumar, 2022 Livelaw (SC) 622*** has held that in the cases like the present one, the accused may take advantage of facts like no recovery was effected from him and that he was implicated on the basis of disclosure statement made by the main accused, at the time of arguing regular bail application or at the time of final hearing after conclusion of trial.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the

extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

28.10.2025

sharmila

Whether Speaking/Reasoned

Whether Reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE