

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

2025.PHHC.160110



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CRM-M-60047-2025

Akashdeep Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

Decided on : 03.12.2025

Date of uploading: 03.12.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Navjot Kaur, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.135 dated 18.05.2025, registered for the offences punishable under Section 21(C) & 25 of the NDPS Act (Section 29 of the NDPS Act added later on), at Police Station Gharinda, District Amritsar.

2. The gravamen of the FIR in question reflects that on 17.05.2025, at about 15:15 hrs, an input was received from a local contact that one packet (in torn condition), suspected to contain heroin, being carried by a civilian on a Honda Activa Scooty in the AOR of BOP-Rajatal, in the alignment of BP No. 109/08. The said information was immediately conveyed to the Commander, BOP-Rajatal. Acting promptly on the said information, the Commander, along with 04 SOs and 12 ORs and ASI

spot at 15:25 hrs, blocked off the area, and conducted a joint initial search. At about 15:30 hrs, the searching party recovered one packet of contraband, wrapped with yellow adhesive tape, from the diggey of Honda Activa 3G vehicle bearing Registration No. PB02DC-8077, which came out to be 421 grams of heroin. Then, the FIR question was registered against the unknown person. Thereafter, when the ownership of the Activa was got verified, the FIR was registered against the petitioner (herein).

3. Learned counsel for the petitioner has submitted that the accused is an innocent person and has been falsely implicated in the present case. Learned counsel appearing for the petitioner submits that one friend of the petitioner had taken the Activa Scooter for his personal work but did not return it to the petitioner. Learned counsel appearing for the petitioner has further iterated that the father of the petitioner had made a representation to the SSP, Amritsar regarding the fact that scooter was taken by one Sahilpreet, which is still pending consideration with the police authorities. Learned counsel for the petitioner further submits that no recovery has been effected from the petitioner. Learned counsel asserts that the in the instant case, the FIR fails to include material facts, which further raised questions about its credibility and fairness. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. It is lastly submitted by the learned counsel that the present petition be allowed and the petitioner be granted the concession of the anticipatory bail.

4. Raising submissions in tandem with the status report dated 30.11.2025, learned State Counsel opposed the grant of anticipatory bail to the petitioner by arguing that the offence is of a serious nature. Relevant paragraph of the said status report reads thus:

“13. That it is respectfully submitted that keeping in view the totality of the facts and submissions made hereinabove, it is evident that the Activa scooter bearing No. PB02-DC-8077 which was recovered from the place of occurrence containing 421 grams of heroin belongs to the present petitioner Akashdeep Singh which was left at the place of occurrence on seeing the contingents of Border Security Force. A fair and impartial investigation has been carried out in the present case Flic No. 135, dated 18.05.2025 (supra) with respect to the contentions being raised in the present petition by the petitioner with regard to involvement of Sahilpreet Singh but nothing substantial has come forth in this respect and it has revealed that it is only the present petitioner Akashdeep Singh who had fled away from the place of occurrence after leaving his Activa Scooter bearing No. PB02-DC-8077 at the place of occurrence, from which 421 grams of heroin was recovered, which is of commercial quantity; hence rigor conditions of Section 37 NDPS Act are applicable in this case. The custodial interrogation of the petitioner Akashdeep Singh is genuinely required for fair and prope investigation as well as to reach to the origin of the contraband recovered in this case. As such, the present petitioner Akashdeep Singh is not entitled to the discretionary relief of anticipatory bail.”

Learned State counsel further submits that the investigation in the present FIR is still underway and recovery of additional contraband is yet to be effected from the petitioner. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. According to learned State counsel, in case the petitioner is granted the concession of pre-arrest, at this stage, it may impede the ongoing investigation.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.
6. It would be apposite to refer herein to a judgment of the Hon’ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in ***Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]*** , it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application

under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In ***Siddharam Satlingappa Mhetre v. State of Maharashtra*** [***Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514***], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to ***Siddharam Satlingappa Mhetre*** [***Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514***] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in ***Jai Prakash Singh v. State of Bihar*** [***Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468***], the Supreme Court held as under : (SCC p. 386, para 19)

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. (See ***D.K. Ganesh Babu v. P.T. Manokaran*** [***D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345***], ***State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain*** [***State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176***] and ***Union of India v. Padam Narain Aggarwal*** [***Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1***].)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In ***Directorate of Enforcement v. Ashok Kumar Jain*** [***Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510***], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest 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 or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the allegations set forth in the FIR, serious allegations have undeniably been levelled against the present petitioner. It is not in dispute that the Aactiva scooter from which the contraband was recovered is registered in the petitioner’s name, and as stated in the petition itself, there is another FIR of similar nature pending against him. In these circumstances, the plea of false implication does not merit acceptance. As per submissions made by learned State counsel, the investigation is still at a preliminary stage, and custodial interrogation of the present petitioner is necessary to unravel the truth. The learned counsel for the petitioner has failed to demonstrate that the case registered against him is false.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to

the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma*** [***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. In view of the gravity of the allegations and nature of offence, since the necessity of custodial interrogation would arise for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the

petitioner is necessary for an effective investigation & to unravel the truth.

The petition is, thus, devoid of merits and is hereby dismissed.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 03, 2025
Naveen

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No