

2025:PHHC:002128



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

217

CRM-M-63045-2024 (O&M)
Date of decision: 09.01.2025

Arshdeep Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. B. S. Bhalla, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, 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 case arising out of FIR No. 145 dated 17.11.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Badhni Kalan, Ajnala, District Moga.

2. Brief facts of the case relevant for the disposal of the present petition are that on 17.11.2024, on the basis of secret information, co-accused Ravinder Singh @ Shanty was apprehended by a police party headed by ASI Darshan Singh and recovery of 10 grams of heroin and drug money of 5200/- was effected from him. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named

2025:PHHC:002128



co-accused, wherein he stated that the recovered contraband was supplied to him by the present petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Moga but the same had been dismissed, vide order dated 03.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the above named co-accused, which is not admissible in evidence against the petitioner. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. 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. It is submitted therein and Deputy Advocate General, Punjab has argued that the petitioner is the supplier of the contraband to aforementioned co-accused. Apart from the present case, the petitioner is involved in one more case under the NDPS Act. During the course of investigation, the complicity of the petitioner in the commission of subject crime has been established. Custodial interrogation of the petitioner 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.

5. I have heard learned counsel for the parties at considerable

2025:PHHC:002128



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 Ravinder Singh @ Shanty, who was apprehended by the police party and recovery of 10 grams of heroin and drug money of Rs. 5200/- was effected from him. The allegation against the petitioner is that he had supplied the recovered contraband to co-accused. The petitioner is shown to be involved in one more case under the NDPS Act. 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. Many useful information can be disinterred during custodial interrogation. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion to grant or not to grant pre-arrest bail. 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 and for effecting recovery of contraband, if any. Accordingly, finding no merit, the petition is dismissed.

2025:PHHC:002128



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.

09.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No