



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

307

**CRM-M-59986-2025
Decided on : 01.12.2025**

Dara Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Lakhwinder Singh Dandiwal, Advocate
for the petitioner.

Mr. Amrit Pal Singh Gill, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.229 dated 23.09.2025, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Lehra, District Sangrur.

2. Brief facts of the present case are that on 23.09.2025, ASI Jasbir Singh, along with his fellow police officials was on patrolling duty and on the basis of secret information raided the shop of the petitioner and recovered 05 kilograms of poppy husk. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner is innocent and he has not committed any offence. He has been implicated in this case at the instance of opposite group of Panchayat of Village



Khai. Learned counsel for the petitioner further contends that the petitioner was not present at the shop at the time of alleged recovery as his shop was locked and he was admitted in hospital. No recovery is to be effected from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way qua the petitioner. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Judge, Special Court, Sangrur, vide order dated 15.10.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter, and he, while referring to the same, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He further contends that the recovery was effected from the shop which the petitioner had taken on rent. Petitioner was present at his shop and on seeing the police party, he fled away from the spot. He further contends that the custodial interrogation of the petitioner is required to ascertain the backward and forward linkages in the business of selling and trading of narcotic drugs. He further submits that the petitioner is involved in two more cases meaning thereby he is a habitual offender. Hence, learned State counsel prays for dismissal of the petition.

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, the contraband i.e. poppy husk was recovered from the shop which the petitioner had taken on rent. The investigation *prima*



facie indicates involvement of the petitioner in the drug nexus.

8. There is steady increase of smuggling of illicit drugs in the country. The increasing instances of drug smuggling pose a grave threat not only to the general public but also impacts the youth of the nation. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter.

9. 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 would be apposite to refer herein judgment of Hon'ble Supreme Court in '***State Vs. Anil Sharma***', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

01.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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