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

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Date of decision: 12.11.2025

Harpreet Singh @ Happy

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.171 dated 08.09.2025 registered for offences punishable under Sections 21-C, 27-A and 29 of the NDPS Act at Police Station Sadar Patti, District Tarn Taran.

2. The gravamen of the FIR reflects that ASI Lakhwinder Singh, alongwith ASI Harpreet Kaur (No.167/TAT), HC Kulwant Singh (No.15/TAT), Constable Karandeep Singh (No.336/TAT), Constable Harsimran Singh (No.285/TAT), and Computer Operator Constable Lovedeep Singh (No.335/TAT), was on patrol duty in the official vehicle. The team was patrolling the areas from CIA Tarn Taran to Kairon, Patti, Patti Mour, Boparai Model-2, and Ghariala, with the objective of checking bad elements and suspicious persons. When the police party reached near Ghariala Adda, a secret informer intercepted and conveyed that Harpreet

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Singh @ Happy (petitioner herein), son of Sarwinder Singh, resident of Village Bai Laddu, alongwith his wives Baljinder Kaur and Manpreet Kaur, was engaged in smuggling heroin from Pakistan through known contacts and selling it in nearby areas. The informer further apprised that if a raid was conducted immediately at their house, a large quantity of heroin and drug money could be recovered. Based on this information, the DSP (Investigation), Tarn Taran, Sh. Sukhbir Singh, was informed and requested to reach the spot. Acting on the information, the police party proceeded to the house of Harpreet Singh @ Happy at Village Bai Laddu, where Baljinder Kaur and Manpreet Kaur were found present. ASI Lakhwinder Singh identified himself, informed them of the suspicion, and apprised them of their legal right to have their search conducted before a Gazetted Officer or a Magistrate. Thereafter, consent memos were duly prepared and signed by both women. During questioning, Baljinder Kaur disclosed that her husband Harpreet Singh @ Happy, a Kabaddi player, had recently started dealing in heroin, having procured 5 kilograms from his Pakistani contact. She further stated that 2.5 kilograms were buried in their Haveli, and that she, alongwith Manpreet Kaur, could facilitate its recovery. Subsequently, both accused led the police to the Haveli near their house and pointed out a specific spot concealed under the soil. On digging, a black polythene bag was recovered. Upon opening it, heroin and a sum of ₹1,25,000/- were found. The heroin weighed 2 kilograms and 516 grams, which was sealed in a plastic box with seals marked "LS" (ASI) and "SS" (DSP), and a separate seizure memo was prepared. The recovered currency was also taken into possession under a separate recovery memo. In this manner, Harpreet Singh

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@ Happy (petitioner herein), Baljinder Kaur, and Manpreet Kaur were found involved in possession and trafficking of 2.516 kilograms of heroin and ₹1,25,000/-. Consequently, the instant FIR was registered, and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present FIR due to personal enmity with certain officials of Police Station Sadar Patti. It is further submitted that no recovery whatsoever has been effected from the conscious possession of the petitioner and that he was not present at the spot at the time of the alleged recovery. The entire prosecution case, according to learned counsel, rests solely on the alleged confessional statement of co-accused Baljinder Kaur, which is inadmissible in evidence under law. It is further argued that the only basis for implicating the petitioner is the unsubstantiated disclosure statement of the co-accused, which by itself cannot form the foundation for prosecution or arrest. Learned counsel has additionally submitted that nothing remains to be recovered from the petitioner, and his custodial interrogation would serve no fruitful purpose. The entire recovery stands effected from the co-accused, and all material and documentary evidence is already in possession of the investigating agency. According to learned counsel, the petitioner is ready and willing to join the investigation and to cooperate fully with the authorities, and therefore, no useful purpose would be served by subjecting him to arrest and detention. On the strength of these submissions, the grant of anticipatory bail is prayed for.



4. *Per contra*, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner by submitting that the allegations against the petitioner are grave and serious in nature. According to learned State counsel, a commercial quantity of heroin has been recovered at the instance of the co-accused, who has specifically named the petitioner as the principal supplier engaged in the illicit trade of narcotic substances. It is further submitted that the petitioner is actively involved in the trafficking and distribution of narcotics and has played a pivotal role in facilitating the supply of the contraband recovered in the present case. Learned State counsel has emphasized that the custodial interrogation of the petitioner is indispensable to unearth the larger nexus and cross-border network operating behind the supply of narcotic substances from Pakistan. Having regard to the gravity of the offence, the larger public interest in eradicating the menace of drug trafficking, and the potential risk to the fair and unhindered course of investigation and trial, it is respectfully submitted that the petitioner does not deserve the concession of anticipatory bail. Accordingly, it is prayed that the present petition be dismissed in the interest of justice.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, serious allegations have undeniably been levelled in relation to the commission of offences under the NDPS Act. It emerges from the record that on the alleged day of occurrence, acting upon credible secret information, co-accused Baljinder Kaur and Manpreet Kaur were apprehended by the police, and a



substantial quantity of heroin weighing 2 kilograms and 516 grams was recovered from their possession — a quantity that squarely falls within the ambit of “commercial quantity” under the NDPS Act, thereby attracting the rigours of Section 37. It is pertinent to note that the present petitioner was not named in the FIR at the initial stage, and his name surfaced subsequently during the course of investigation on the basis of the disclosure statement of co-accused Baljinder Kaur, who specifically attributed the procurement of the contraband to her husband, i.e., the petitioner. Though the petitioner was not apprehended at the spot, the allegations against him pertain to criminal conspiracy under Section 29 of the NDPS Act, which does not necessitate physical possession of the contraband. The material collected so far reveals prima facie evidence of common intention and joint participation between the petitioner and his co-accused wives, as reflected from the disclosure statement and the recovery effected from the premises linked to the petitioner. The alleged involvement of the petitioner, though emerging at a subsequent stage, is supported by investigative material that lends corroboration to the prosecution version. In the considered view of this Court, the veracity of the disclosure statement and the extent of the petitioner’s involvement in the offence are matters requiring thorough investigation, which can be effectively undertaken only through custodial interrogation. Such interrogation is essential to trace the origin, source, and network of the contraband. At this stage, no material has been placed on record to demonstrate that the petitioner is completely unconnected with the offence, and the possibility of recovery of further contraband or discovery of incriminating material cannot be ruled out.



7. The plea of the petitioner that the confessional statement of the co-accused is inadmissible is devoid of merit, as at the stage of consideration of anticipatory bail, the Court is not required to meticulously evaluate the admissibility of evidence, but only to examine whether prima facie material exists connecting the petitioner with the alleged offence. The investigation conducted thus far indicates the involvement of the petitioner in a well-organized network engaged in the illegal trade and distribution of psychotropic substances. The nature and gravity of the offence, coupled with the material collected on record, justify the necessity of custodial interrogation to unravel the larger conspiracy and to identify other potential co-conspirators. The allegations in the FIR, viewed in conjunction with the available evidence, raise serious and substantiated concerns about the petitioner's possible role in a larger narcotics network, which cannot be brushed aside at this nascent stage of the investigation. The allegations are of a grave and organized nature and the apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses, who may be vulnerable to coercion, does not appear to be unfounded. Having regard to the seriousness of the offence, the crucial stage of investigation, the possibility of tampering with evidence or obstructing justice, and the overarching public interest in curbing the menace of drug trafficking, this Court is of the considered view that the petitioner does not merit the concession of anticipatory bail at this stage. Moreover, given the serious nature of the allegations, the custodial interrogation of the petitioner is indispensable for unearthing the broader conspiracy and identifying other potential accomplices, whose identities



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may be within the exclusive knowledge or possession of the petitioner. The grant of anticipatory bail at this premature stage would, therefore, seriously prejudice the ongoing investigation and may potentially result in tampering with evidence or influencing material witnesses.

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 for reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under, relevant whereof reads 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 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.”

At this stage, there is no material on record to suggest that a *prima facie* case is not made out against the petitioner. On the contrary, the



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material collected during the course of investigation appear to establish a reasonable basis for the accusations levelled against him. In such circumstances, the grant of anticipatory bail at this stage would not be appropriate, as it is likely to cause serious impediment to the ongoing and effective investigation.

9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary to trace the source of supply of contraband & 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

November 12, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No