



CRM-M-67705-2025

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

CRM-M-67705-2025

Decided on: 11.12.2025

Amarjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, Advocate, for the petitioner.

Ms. Ramta Chowdhary, 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.21 dated 02.03.2025, registered under Sections 21(C), 27, 29, 61, 85 of NDPS Act, 1985 and Sections 111(2), 111(3), 111(4) of BNS, 2023, at Police Station Sadar, District Amritsar.

2. Succinctly facts of the case are that the Police party while on patrolling on 02.03.2025, when reached the 88 feet road near the dirty drain, then they saw a person coming towards them from Sri Chand Gate Bypass on a Splendor Motorcycle without number plate. On seeing the police, he tried to turn back the motorcycle and threw a black polythene envelop taking out from his right pocket of his lower. However, he was apprehended. On asking, he disclosed his name as Sukhwinder Singh and told that the packet thrown by him contains heroin. Thereafter, the envelop was searched and 265 grams of heroin alongwith Rs.4,500/- as drug money was recovered. He failed to produce any licence regarding possession of the same and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. During the investigation, Sukhwinder Singh disclosed about complicity of the petitioner, namely, Amarjit Singh. Thus, the petitioner was also arrayed as an accused in the present petition.



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Apprehending arrest, the petitioner approached the Court of learned Judge Special Court, Amritsar, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 07.11.2025. Hence, aggrieved by the same, the petitioner is before this Court by way 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 submits that the petitioner is not named in the FIR, however, he has been arrayed in the present case only on the basis of the disclosure statement of co-accused Sukhwinder Singh, which is even not an admissible evidence. He submits that there is no direct or indirect evidence against the petitioner to connect with the alleged occurrence. He submits that no recovery is to be effected from the petitioner. He, thus, submits that no *prima facie* case has been made out against the petitioner. He submits that the petitioner is ready to join the investigation, in case his prayer for grant of anticipatory bail is considered. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that a 265 grams of heroin and Rs.4,500/- have been recovered from the co-accused which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. She has submitted that the petitioner is a habitual offender as he is involved in other FIRs under the NDPS Act. She, thus, submits that no case for the grant of anticipatory bail to the petitioner



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is made out.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that 265 grams of heroin and Rs.4,500/- as drug money have been recovered from the co-accused, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted in the case. Complicity of the petitioner has been established during the investigation on the disclosure statement of co-accused Sukhwinder Singh. As submitted before this Court, the petitioner is involved in three other case of similar nature i.e. under the NDPS Act. Custodial interrogation of the petitioner is required to reach the root cause of the case.

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;*



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- (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(3) RCR Cri. 991 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.

(RAJESH BHARDWAJ)
JUDGE

11.12.2025
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No