

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

2025:PHHC:178388



(110)

**CRM-M-73016-2025(O&M)
DATE OF DECISION: 23.12.2025**

Govinder Singh Dhaliwal @ Govinder SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Sehaj Sandhawalia, Advocate, for the petitioner.
Mr.Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.158 dated 14.11.2025 (Annexure P-1), under Sections 21/59 of NDPS Act, 1985, registered at Police Station Vairo Ke, District Fazilka, Punjab.

2. Learned counsel for the petitioner contended that the petitioner has been named in the disclosure statement of the main accused from whom a recovery of 300 gms of heroin has been made, who during investigation stated that the petitioner left the said contraband with him; the petitioner has been solely named by the main accused on account of prior enmity as he had got compromise executed between his friend and the main accused wherein the main accused had to hand over a sum of Rs.1,50,000/- and as a result the main accused continues to hold a grudge against the petitioner; petitioner has not been named in the FIR and no recovery has been effected from the petitioner, therefore, prayer for grant of anticipatory bail to the petitioner is



3. Notice of motion.

4. In pursuance of advance notice, Mr. Anup Singh, AAG, Punjab, appeared and accepted notice on behalf of respondent/State and submitted that investigation is still going on; petitioner is required for custodial interrogation as recovery of commercial quantity of 300 gms of heroin was effected from the co-accused namely Shiva Ditta, on whose statement the present petitioner has been nominated.

5. Heard.

6. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case; contentions of learned counsel for the petitioner as well as of learned State counsel; gravity of offence and antecedents of the present petitioner, this Court does not find any merit to allow the petition for grant of anticipatory bail to the petitioner.

7. In **Pratibha Manchanda & Anr. versus State of Haryana & Anr. [2023(3) RCR(Criminal) 511]**, while dealing with a petition for cancellation of anticipatory bail granted by the high court, Hon'ble Supreme Court observed that while granting anticipatory bail courts should consider factors such as the nature and gravity of the offences. The relevant extract of the Pratibha's case is reproduced as under:

"In Siddharam Satlingappa Mhetre v. State of Maharashtra (2011) 1 SCC 694, this Court carefully considered the principles established by the Constitution Bench in **Gurbaksh Singh Sibbia v. State of Punjab (1980) 2 SCC 565** case. After a thorough deliberation, this court arrived at the following conclusion:

"112. The following factors and parameters can be taken into consideration while dealing with anticipatory bail:

- (i) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;



- (ii) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) The possibility of the applicant to flee from justice;
- (iv) The possibility of the accused's likelihood to repeat similar or other offences;
- (v) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;
- (vi) Impact of grant of anticipatory bail, particularly in cases of large magnitude affecting a very large number of people.

xxx xxx xxx"

18. In **Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731**, the Constitution Bench of Supreme Court of India, reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

19. The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”

8. Finding no merit in the present petition, same is hereby dismissed.



9. All pending misc. applications, if any, be also disposed of.

23.12.2025
mamta

(SUBHAS MEHLA)
JUDGE

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