

CRM-M-11176-2026

2026:PHHC:038542



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IN THE HIGH COURT OF PUNJAB AND HARYANAAT CHANDIGARH

CRM-M-11176-2026

Arshdeep Singh @ Arsh

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 12, 2026

Date of Uploading: March 12, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Lovish Arora, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (Section 438 Cr. P.C.) for grant of anticipatory bail to the petitioner, in case bearing FIR No.0129 dated 12.07.2025, registered for the offences punishable under Sections 21 & 29 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on), at Police Station Kot Ise Khan, District Moga.

2. The gravamen of the FIR in question is that on 11.07.2025, a recovery of 290 grams of heroin was effected from underneath the conductor seat of a Swift car bearing registration No.PB-31Y-1243, in which two persons, namely Lakhwinder Singh @ Khindi and Arsh (*petitioner herein*), were travelling. During the course of the raid, co-accused – Lakhwinder Singh @

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Khindi was apprehended at the spot, whereas the petitioner, who was driving the said vehicle, managed to flee from the spot.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the petitioner was not apprehended at the spot and he was named by the co-accused, namely, Lakhwinder Singh due to some previous dispute between them. Learned counsel has iterated that the car in question, from which the alleged contraband has been effected, does not belong to the petitioner.

3.1. Learned counsel has further iterated that one of the co-accused, namely, Harmal Singh @ Harman Singh, has been accorded concession of interim bail, vide order dated 12.02.2026 passed in CRM-M-8157-2026.

3.2. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. Learned State counsel has filed short reply by way of an affidavit dated 07.03.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said short reply, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. Relevant of the aforesaid short reply reads thus:

“6. *That during course of investigation on 13.07.2025 accused Lakhwinder Singh got recorded his disclosure statement with the police that he and Arshdeep Singh @ Arsh (Petitioner) had purchased the said heroin for Rs.2 lakhs from one unknown person, who is in contact with him through JANGI App and two persons have delivered said heroin to them. He and Arshdeep Singh have already received the heroin, three time, prior to this. Lakhwinder Singh further mentioned that they used to further sell*

the heroin to Davinder Singh @ Kochi son of Manjit Singh resident of Phulewala Road, Manuke Gill. On the basis of said disclosure statement offence u/s 29 NDPS Act has been added and Davinder Singh has also been nominated as accused vide DDR No.18 Dated 13.07.2025.”

4.1. Learned State counsel has further argued that, investigation, in the present case, is still under way and the petitioner is yet to be arrested. Given these circumstances, custodial interrogation of the petitioner is indispensable. Learned State counsel submits that, in case, the petitioner is accorded concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also attempt to influence/ intimidate the prosecution witnesses/evidence. Thus, the present petition is devoid of merit and is liable to be dismissed.

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 and grave allegations have been leveled against the petitioner. As per the prosecution case, on 11.07.2025, a recovery of 290 grams of heroin was effected from underneath the conductor seat of a Swift car bearing registration No.PB-31Y-1243, which falls within the category of commercial quantity under the NDPS Act. At the relevant time, two persons namely Lakhwinder Singh @ Khindi and Arshdeep (the present petitioner) were travelling in the said vehicle, and the petitioner was driving the car. During the raid conducted by the police, co-accused Lakhwinder Singh @ Khindi was apprehended at the spot whereas the petitioner managed to flee from the spot, which clearly reflects his conscious involvement in the commission of the offence as well as his guilty mind.

6.1. Further, a perusal of the short reply filed on behalf of the State reveals that during the course of investigation, on 13.07.2025, co-accused – Lakhwinder Singh @ Khindi disclosed that he along with the petitioner had purchased the recovered heroin for a sum of Rs.2,00,000/- from an unknown person who was in contact with them through the JANGI App, and that two persons had delivered the said contraband to them. It is further revealed that the petitioner and co-accused had already received heroin on three occasions prior to the present recovery. They used to further sell the said heroin to one Davinder Singh @ Kochi.

The aforesaid facts *prima facie* indicate that the petitioner is not innocent, but is actively involved in a well-organized narcotics network engaged in the procurement and distribution of heroin. The petitioner has been repeatedly involved in the purchase and supply of contraband, thereby showing his habitual participation in the illegal trade of narcotic substances.

7. The plea raised by the petitioner that one of the co-accused, namely Harmal Singh @ Harman Singh, has been granted the concession of interim bail does not advance the case of the petitioner in any manner. The said co-accused was implicated solely on the basis of a disclosure statement, whereas the role attributed to the petitioner is entirely different and far more serious in nature. The petitioner was present at the spot at the time of recovery of the contraband and was driving the vehicle from which the contraband in question was recovered. Moreover, the petitioner managed to flee from the spot, which clearly reflects his conscious involvement in the commission of the offence. Therefore, the petitioner cannot claim parity with the said co-accused and is not entitled to the discretionary relief of anticipatory bail.

8. 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 offence committed by the petitioner is a serious in nature, which has a direct adverse impact on society. The material available on record *prima facie* indicates the involvement of the petitioner in the commission of the alleged offence. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may hamper the investigation, particularly in view of the need for custodial interrogation to ascertain the source of contraband and possible/potential links with other persons involved in illegal drug trafficking. The NDPS Act prescribes stringent provisions keeping in view the menace of narcotic drugs and psychotropic substances.

9. It is befitting to mention here that while considering 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. 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 hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for his accusation. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

10. 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 is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 12, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No