



CRM-M-11385 of 2026

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

383

CRM-M-11385 of 2026

Date of Decision: 06.04.2026

Lali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Ms. Jasmine, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

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.24 dated 09.02.2026 registered under Section 15/25/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sunam, District Sangrur.
2. Brief facts of the present case are that on 09.02.2026, ASI Harpreet Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended one person, namely, Ashok Kumar, who was found in conscious possession of 10 kgs. of poppy husk. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further

**CRM-M-11385 of 2026****-2-**

submitted that the petitioner was neither present at the spot, nor has any concern with the said offence. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Ashok Kumar and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. 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. 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 18.02.2026.

5. On the other hand, learned State counsel, replying upon the status report, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that recovery of alleged contraband in the present case was effected from a truck, which was driven by co-accused Ashok Kumar. Relying upon the status report, he further argued that during investigation, the said truck was found registered in the name of the petitioner. He further submitted that the petitioner is involved in other cases also meaning thereby he is a habitual offender. He further argued that custodial interrogation of the petitioner is required for a robust and smooth investigation and to ascertain the linkages in the business of selling and trading of narcotic drugs. Hence, he prays for dismissal of the petition.



CRM-M-11385 of 2026

-3-

6. Heard.

7. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, the recovered contraband i.e. poppy husk which was recovered from a truck, which has been found registered in the name of the present petitioner.

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 to unearth the entire drug racket and to break for chain of supply of drug carriers.

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



CRM-M-11385 of 2026

-4-

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.

(RUPINDERJIT CHAHAL)
JUDGE

06.04.2026
D.Bansal

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