

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

2026:PHHC:080023



CRM-M-26838-2026 (O&M).
Date of decision: 21.05.2026.

SAHIB SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, seeking grant of pre-arrest bail to the
petitioner in case bearing FIR No.57 dated 19.03.2026, under Sections 21,
21C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985,
registered at Police Station Sultanwind, District Amritsar.

Tersely, as per allegations, while the police party was patrolling
near the turn of Village Sultanwind, Amritsar, in connection with checking

of suspicious persons, a secret information was received that co-accused of the petitioner namely Shamsher Singh @ Sonu was engaging in the sale of heroin and supplying heroin in Amritsar city and surrounding areas. It was further disclosed that back then, the said accused Shamsher Singh @ Sonu was standing near Sultanwind Road, Amritsar, near his scooter with heroin and waiting for a customer. If a raid was conducted immediately, said Shamsher Singh could be apprehended along with the contraband. Acting on the said secret information, FIR was registered against said Shamsher Singh @ Sonu, whereupon the police party proceeded to conduct a raid at the spot. Said Shamsher Singh was apprehended and 1 kg of heroin was recovered from him. During the course of investigation, said accused Shamsher Singh disclosed the name of the petitioner herein alleging that the said contraband was bought from the petitioner whereupon the petitioner was nominated as accused in the aforesaid FIR.

Learned counsel appearing for the petitioner had contended that the name of the petitioner was disclosed by co-accused Shamsher Singh from whom 1 kg. of heroin was recovered whereupon the petitioner was nominated as an accused vide DDR No.11 dated 23.03.2026 and offence under Section 29 of the NDPS Act was also added. He contended that the petitioner had been falsely implicated and that there was no material on the basis whereof an inference might be drawn against the petitioner to have participated in the commission of the offence or to have supplied the contraband to the co-accused Shamsher Singh. He contended that the petitioner had clean antecedents and was ready and willing to join investigation as and when required to do so.

State counsel, on the other hand, contended that the petitioner had not been nominated as an accused solely on the basis of the disclosure statement made by co-accused Shamsher Singh, rather, during the course of investigation, it had transpired that the petitioner was in active conversation with the co-accused Shamsher Singh and there were details of calls being exchanged between them even on the date when the contraband was recovered from Shamsher Singh. The said timelines as narrated by the co-accused Shamsher Singh also matched with the call detail records of the petitioner. He submitted that under such circumstances the active connivance and participation of the petitioner stood established more-so when the recovery had been effected from co-accused on the same day.

On being made aware of the aforesaid objection, counsel for the petitioner had sought time to seek instructions whereupon the matter was adjourned for today.

On the resumed hearing today, counsel for the petitioner contends that the petitioner as well as co-accused Shamsher Singh were in contact with each other and they used to interact with each other on phone as well. Counsel for the petitioner has been asked to demonstrate from any circumstance on the basis whereof, the claim raised by the petitioner herein could be ascertained. He has also been confronted with the fact that as per Section 106 of the erstwhile Indian Evidence Act, 1872 (Section 109 of the Bharatiya Sakshya Adhiniyam, 2023) when any fact is especially within the knowledge of any person (petitioner-accused), the same is required to be explained by him failing which there is an element of deemed presumption as prescribed under the NDPS Act. He is not in a position to give any

satisfactory response to the same.

This Court is cognizant of the fact that a person is not bound to disclose the evidence against him, however, at the time when a person is seeking anticipatory bail, the Court seeks to ensure that investigation runs its full course. The factum of recovery and discovery of facts can only be made in case the Investigating agency is given a free hand in conducting such an investigation. Needless to mention that organized trade of narcotics works at different levels under layers but with limited participation of individuals. For the purpose of unearthing the entire chain of links, the backward link has to be established and the said fact cannot be unearthed unless custodial interrogation is undertaken.

Finding no merits, the present petition seeking grant of anticipatory bail is dismissed.

May 21, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No

RAJ KUMAR ARORA
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I attest to the accuracy and
integrity of this document