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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
203

CRM-M No.40167 of 2025
Date of decision: 05.02.2026

Daler Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
162	02.07.2024	Gharinda, District Amritsar Rural	21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 25 and 27 of Arms Act, 1959

2. As per the allegations, on 02.07.2024, on receipt of a secret information to the effect that the petitioner along with co-accused Jatin

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Singh and Sajjan was involved in the business of sale of contraband and could be apprehended with huge quantity of heroin, a raiding party was formed which reached at the informed place where three persons were seen while holding polythene bags in their hand. On seeing the police officials, two of them managed to flee after throwing the polythene bag whereas accused Jatin Singh was apprehended. Five hundred grams of heroin was recovered from the polythene held by him whereas 1 kg heroin was recovered from each of the polythene bags thrown by the persons who had fled away. On interrogation, accused Jatin Singh disclosed that the petitioner and Sajjan Singh were the persons who had escaped and all of them were going to supply heroin to some other person. On his disclosure, accused Ajaypal Singh was nominated as additional accused. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 12.08.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted in this case. The disclosure statement of the co-accused nominating him as such cannot be considered to be admissible in evidence. The investigation against the co-accused stands concluded and challan has been presented against them. The pre trial incarceration of the petitioner

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is not required for conducting any further investigation as such. He is otherwise ready to join investigation. No recovery is to be effected from him. His antecedents are clean. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner. He was named by the secret informer as well as by the co-accused Jatin Singh in his disclosure statement. He had fled from the spot after throwing a polythene bag containing heroin weighing 1 kg which was of commercial quantity. The rigors of Section 37 of NDPS Act are attracted in this case. For unearthing the truth and eliciting information as to the original source of the contraband as well as for effecting proper investigation, the custodial interrogation of the petitioner is must. Even otherwise, no exceptional or sparing circumstance for grant of anticipatory bail is made out in his favour. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner was named in the FIR on the basis of a secret information received by the police. As per the case of the prosecution, he had managed to flee from the spot whereas his co-accused Jatin Singh had been apprehended. He had allegedly thrown away a bag containing 1 kg of heroin at the spot. The rigors of Section 37 of NDPS Act are,

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therefore, prima facie attracted in this case. The allegations against the petitioner are quite serious in nature. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. In case, the same is denied to the investigation agency, that shall leave many glaring loopholes and gaps, adversely affecting the investigation. The Court has also to see that an order of anticipatory bail should not operate as an inroad in the normal legal procedure of criminal cases by the trial Court. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.02.2026

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(MANISHA BATRA)

JUDGE

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