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

CRM-M No.29145 of 2026

Manga

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M No.29359 of 2026

Rajni

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of Decision: 21.05.2026

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pardeep Kumar, Advocate
for the petitioner in CRM-M-29145-2026.

Mr. Gagandeep Singh Simble, Advocate
for the petitioner (through VC) in CRM-M-29359-2026.

RAJESH BHARDWAJ, J.

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of anticipatory bail to the petitioners in case bearing FIR No.79, dated

03.05.2026, under Sections 15, 18, 21, 22 of NDPS Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur.

3. Succinctly, the facts of the case are that the police party while on patrolling on 03.05.2026 near the canal bridge, Nawanshahr road, Garhshankar, received a secret information to the effect that Jaswinder @ Babbe, Baljit Singh, Amandeep Kaur, Balwinder Singh @ Shammi, Kamaljit Kaur @ Kado, Inderjit Kaur, Satnam Singh @ Kaka, Roshan Lal, Kamaljit Kaur, Geeta, Manga (petitioner in CR-M-29145-2026), Joga, Moto, Rakesh @ KC, Gurlal, Hardeep Kaur, Dalwara, Hardeep @ Deepo, Rajni (petitioner in CRM-M-29359-2026), Davinderjit Kaur @ Parminder Kaur and Navdeep @ Ghoda were presently engaged in the illegal business of selling heroin, smack, poppy husk, opium and intoxicating powder in huge quantities. It was informed that several criminal cases have been registered against them for selling narcotic substances and at present, they are selling the narcotic substances at Denowal Khurd Basti Saisia and in case of raid, they could be apprehended along with the narcotic substances. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. Two persons were apprehended by the police party and on asking, they disclosed their names to be Gurlal @ Lali and Jaspreet Kaur @ Nisha, however, the other accused have managed to escape from the spot. Both of them were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search, 115 grams and 105 grams of



intoxicant substance, respectively, were recovered from both of them. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. Apprehending their arrest, the petitioners, namely, Manga and Rajni, approached the Court of learned Judge, Special Court, Hoshiarpur praying for the grant of anticipatory bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Hoshiarpur declined both the bail applications filed by the petitioners vide common order dated 15.05.2026. Hence, being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of anticipatory bail.

3. Learned counsel for the petitioners have submitted that the petitioners have been falsely and frivolously implicated in the present case. They have submitted that the case of the prosecution is based on the secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the neither the petitioners were arrested on the spot nor any recovery has been effected from them. They have submitted that the recovery of 115 grams and 105 grams of intoxicant substance, has been recovered in the present case from the co-accused. They have submitted that no independent witness has been joined to substantiate the presence of the petitioners at the scene of alleged crime. To buttress his arguments, learned counsel for the



petitioner (in CRM-M-29145-2026) has submitted that the petitioner, namely, Manga, has no criminal antecedents as he has never been involved in any other case. They have submitted that till date, the challan has not been presented in the present case. They have further submitted that the petitioners are ready to join the investigation and cooperate with the same. They have submitted that no *prima facie* case as alleged is made out against the petitioners and thus, they deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Ekompal Sagoo, AAG, Punjab appears and accepts notice on behalf of the respondent-State. He, however, has opposed the submissions made by learned counsel for the petitioners. He has submitted that both the petitioners have been specifically named in the FIR, however, they managed to escape from the spot. He has further submitted that the recovery of 115 grams and 105 grams of narcotic substance has been effected in the present case on due compliance of the provisions of NDPS Act from the co-accused. He has further submitted that the investigation is at the crucial stage and custodial interrogation of the petitioners is very much required to exactly ascertain their role and source of the contraband. He has submitted that the business of selling and purchasing narcotic substance is on rise and the drug peddlers are ruining the lives of many young persons. He has submitted that the allegations made against the petitioners are serious in nature. He has thus submitted that the investigation is at the initial stage

and keeping in view the facts and circumstances of the case, the petitioners do not deserve the concession of anticipatory bail and the present petitions deserve to be dismissed.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. It has been transpired that FIR in the present case has been registered on the basis of secret information and on the basis of the same, 115 grams and 105 grams of narcotic substance, respectively, have been recovered from the co-accused, namely, Gurlal @ Lali and Jaspreet Kaur @ Nisha. The petitioners, namely, Manga and Rajni have also been specifically named in the FIR, however, they managed to escape from the spot. As submitted before this Court by learned counsel for the State that the recovery in the present case was effected on due compliance of provisions of NDPS Act. Needless to say that drug peddling is on rise, which resulted in ruining the lives of young persons and even causing their untimely death in many cases. In the offences like drug peddling, the *modus operandi* adopted by the accused involved can be unearthed only after a thorough and fair investigation. Needless to say that the investigation is at threshold and custodial interrogation of the petitioners is very much required in the present case. The allegations against the petitioners are serious in nature.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-



“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to*



injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free



man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable 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.”*



11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the petitioners have been specifically named in the FIR, who managed to escape from the spot, and indulged in the business of drug peddling. Needless to say, the investigation is at threshold and in the facts and circumstances, custodial interrogation of the petitioners would be essential and granting anticipatory bail to the petitioners at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the petitioners do not qualify for the grant of anticipatory bail and both the petitions are hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

21.05.2026

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No