



**102-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.29521 of 2026
Date of Decision: 22.05.2026**

Baljit Singh and others

..... Petitioners

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raman Kumar, Advocate
for the petitioner.

Mr. Ekom Pal Sagoo, A.A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.0079, dated 03.05.2026, under Sections 15, 18, 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur.

2. Succinctly the facts of the case are that the police party while on patrolling on 03.05.2026, received a secret information to the effect that Jaswinder @ Babbo (petitioner herein), Baljit Singh (petitioner herein), Amandeep Kaur, Balwinder Singh @ Sammi, Kamaljit Kaur @ Kado and Roshan Lal (petitioner herein) along with 15-16 other persons, all residents of village Denowal Khurd, Basti Seshian, are involved in illegal business of selling intoxicants substances including heroin, smack, poppy husk, opium and other intoxicant powder. It was informed that many



other cases have been registered against these accused persons and today also they are selling the intoxicant substances and in case raid is conducted, they could be apprehended along with huge quantity of intoxicant substances. On receiving the information, a raiding team was constituted and it reached the place as disclosed by the secret informer. However, except accused, namely, Gurlal @ Laali and Jaspreet Kaur @ Nisha, who were apprehended on the spot, all other accused managed to escape from there. Search was conducted and on conducting the search, 115 grams and 105 grams of intoxicant substances were recovered from both the accused who were apprehended on the spot. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and they were arrested on spot. Investigation commenced. Apprehending arrest, the petitioners approached the Court of learned Judge, Special Court, Hoshiarpur praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned Judge, Special Court, Hoshiarpur, dismissed the petition filed by the petitioners vide his order dated 15.05.2026. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that though the FIR was registered on the basis of secret information, however, there is violation of provisions of Section 42 of NDPS Act. He submits that the recovery of 115 grams and 105 grams of



intoxicant substances, were effected from co-accused Gurlal @ Laali and Jaspreet Kaur @ Nisha, who were apprehended on the spot and not from the present petitioners. He submits that earlier also an FIR No.0209 dated 15.11.2022 under Sections 15, 18, 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, was registered against around 120 persons of the same village without there being any *iota* of evidence. He submits that again the present FIR has been registered against around 20 residents of the same area, without any proof of possession or recovery. He thus submits that there being no *prima facie* having been made out against the present petitioners, they deserve to be granted anticipatory bail.

4. Learned State counsel has opposed the submission made by counsel for the petitioner and has submitted that the petitioners have been specifically named in the FIR. He submits that though the recovery has been effected from co-accused, however, petitioners are also involved in selling/supply of the contraband to the addicted ones. He submits that the petitioners are habitual offenders and are facing prosecution in multiple cases. He, on instructions, submits that petitioner No.1, Baljit Singh, is facing prosecution in 07 more FIRs; petitioner No.2, Jaswinder Kaur, is facing prosecution in 03 more FIRs and petitioner No.3, Roshan Lal, is facing prosecution in 07 more FIRs and all FIRs have been registered under the NDPS Act. He submits that to ascertain the source of the narcotic substances, custodial interrogation of the petitioners is very much essential. He submits that the investigation is at initial stage, thus,



no case for the grant of anticipatory bail to the petitioners is made out and the present petition being devoid of merit deserves to be dismissed.

5. On hearing of the counsel for the parties and perusing the record, it is deciphered that recovery of 115 grams and 105 grams of intoxicant substances were effected from co-accused, Gurlal @ Lali and Jaspreet Kaur @ Nisha, respectively, however, other accused were stated to have fled away from the spot. Name of the present petitioners have specifically been mentioned in the FIR. The petitioners being habitual offenders are facing prosecution in other FIRs, as well, of similar nature. As submitted by learned State counsel, petitioner No.1, Baljit Singh, is facing prosecution in 07 more FIRs; petitioner No.2, Jaswinder Kaur, is facing prosecution in 03 more FIRs and petitioner No.3, Roshan Lal, is facing prosecution in 07 more FIRs and all the FIRs have been registered under the NDPS Act which further strengthens the complicity of the petitioners. To unearth the nexus of the petitioners and to ascertain the supply chain of illicit drug trade, the custodial interrogation of the petitioners is very much required. Needless to say that the investigation is at initial stage.

6. 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.”*

7. 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."



8. 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.”

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioners has been *prima facie* found. Needless to say, the investigation is at the initial stage 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.



10. In view of the overall facts and circumstances of the case, the petitioners does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.05.2026

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(RAJESH BHARDWAJ)
JUDGE

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