

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

**CRM-M-33077-2026
Date of decision: 16.06.2026**

Jashandeep Singh @ Jashan

.....Petitioner

versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Udayveer Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.304 dated 23.11.2025, under Sections 21, 25 and 29 of the NDPS Act, registered at Police Station ANTF Mohali, District SAS Nagar, Mohali. Further prayer has been made that arrest of the petitioner may kindly be stayed.

2. Succinctly the facts of the case are that the police party while on patrolling on 23.11.2025, received a secret information at about 09:00 PM to the effect that Jashandeep Singh @ Jashan (present petitioner), Bovin Kumar @ Bebi and Amandeep Singh @ Aman were involved in illegal business of selling Heroin. It was informed that all these persons were sitting at the first floor/chubara of the house of Jashandeep Singh @ Jashan and in case raid is conducted, they could be apprehended along with huge quantity of intoxicant substances. On receiving the secret information, raiding team was constituted and reached the place as disclosed by the secret informer. Bovin Kumar @ Bebi and Amandeep Singh @ Aman as disclosed in the secret information were seen there. They were suspected to be carrying some contraband and



thus, their search was conducted and thereafter, an independent witness was joined. On conducting search, from their joint possession, 4 kgs 100 grams of Heroin was recovered. On conducting the personal search of Bovin Kumar @ Bebi, one mobile phone make Iphone X S colour Golden containing Airtel Sim No.97795-40091 and Indian Currency of Rs.120/- were recovered. On conducting the personal search of Amandeep Singh @ Aman, one phone make Oppo having Airtel Sim No.97797-47132 and Indian Currency of Rs.900/- were recovered. They failed to produce any license regarding possession of the same and thus, the FIR was registered and they were arrested on spot. Investigation commenced. During the investigation, both the accused confessed that Jashandeep Singh @ Jashan (present petitioner) and his brother Arshdeep Singh @ Arsh were present with them and the said contraband was brought by the present petitioner. Apprehending arrest, the petitioner approached the Court of learned Judge, Special Court, Fazilka praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned Judge, Special Court, Fazilka, dismissed the petition filed by the petitioner vide his order dated 22.05.2026. Hence being aggrieved, the petitioner is 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 4.1 kgs of Heroin was effected from the joint possession of co-accused namely, Bovin Kumar @ Bebi and Amandeep Singh @ Aman, who were apprehended on the spot and not from the present petitioner and hence, he has no concern with the alleged recovery. He

submits that there is also violation of mandatory provisions of Section 50 of the NDPS Act. He submits that the petitioner is suffering from seizure disorder and is getting regular treatment from Neurology Department of DMC Ludhiana. He submits that even after registration of the FIR on 23.11.2025, the petitioner had attended OPD on 23.12.2025 at DMC Ludhiana for his regular checkup and hence, it is clear that he is not having any knowledge regarding registration of the present FIR against him. He submits that the petitioner is 21 years of age and have clean antecedents. He thus submits that there being no *prima facie* having been made out against the present petitioner, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. Mr. Raj Karan Singh, AAG, Punjab accepts notice on behalf of the respondent-State.

6. Status report by way of affidavit of Mr. Pirthipal Singh, PPS, Deputy Superintendent of Police, Anti-Narcotics Task Force, Ferozepur Range, Ferozepur, filed by learned State counsel, is taken on record.

7. Learned State counsel has opposed the submission made by counsel for the petitioner and has submitted that the petitioner has been specifically named in the secret information. He submits that prior to the raid, as per secret information, involvement of three accused including the present petitioner was disclosed, out of which, 02 co-accused were apprehended at the spot along with the contraband whereas, the present petitioner succeeded in escaping by taking the advantage of darkness. He submits that during investigation, it was found that the house from where the contraband was recovered is the residential house of the petitioner as well as it was the petitioner who bought the said contraband from co-accused. He submits that the recovery of 4.1 kgs of Heroin was effected in the present

case, which falls under the category of commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted in the present case. He submits that to ascertain the source of procurement of Heroin, to identify suppliers, financiers and intended purchasers, custodial interrogation of the petitioner is very much essential. He submits that the investigation is at initial stage, thus, no case for the grant of anticipatory bail to the petitioner is made out and the present petition being devoid of merit deserves to be dismissed.

8. On hearing of the counsel for the parties and perusing the record, it is deciphered that recovery of commercial quantity of 4.1 kgs of Heroin was effected from the joint possession of co-accused, Bovin Kumar @ Bebi and Amandeep Singh @ Aman, however, other accused including the present petitioner were stated to have fled away from the spot. Name of the present petitioner has specifically been mentioned in the secret information. As submitted by learned State counsel, the house from where the contraband was recovered is the residential house of the petitioner and he himself bought the said contraband from the co-accused which further strengthens the complicity of the petitioner. To unearth the nexus of the petitioner and to ascertain the supply chain of illicit drug trade, the custodial interrogation of the petitioner is very much required. Needless to say that the investigation is at initial stage.

9. 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.”*

10. 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."

11. 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.”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner 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 petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner 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.

16.06.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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