



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-33996-2026 (O&M)

Date of decision: 17.06.2026

Gursewak Singh

...Petitioner(s)

VERSUS

The State of Punjab

...Respondent(s)

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

Present :- Mr. Jashandeep S. Sidhu, Advocate and
Mr. Robin Singh Bhullar, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for grant of anticipatory bail to the petitioner in case bearing FIR No.52 dated 13.02.2026 registered under Sections 21, 27A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25, 27 of the Arms Act, 1959 at Police Station Sadar Ferozepur, District Ferozepur.

2. As per the case of the prosecution, on 13.02.2026, the present FIR was registered against non/applicant(s)-co-accused on the basis of a secret information for having been found in conscious possession of 22.295 kg. of heroin alongwith two glock pistols, 04 live cartridges, one I-20 Car bearing registration No.HR-30Q-3251 and Rs.2,05,000/- drug money.

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case on the disclosure of co-accused, which was recorded in the police

custody and thus is inadmissible in evidence being hit by Section 27 of the Indian Evidence Act, 1872 as no recovery has been effected pursuant thereto. He further contends that the mandate of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would not be applicable to the petitioner in as much as no actual recovery has been effected from him. He further contends that there has been non-compliance of certain provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, which would entitle the petitioner for grant of concession of anticipatory bail.

4. Learned State counsel, on the other hand, contends that recovery of 22.295 kg. of heroin alongwith two glock pistols, 04 live cartridges, one I-20 Car bearing registration No.HR-30Q-3251 and Rs.2,05,000/- drug money has been effected at the spot from the non-applicant(s)/accused. The name of the petitioner surfaced in the disclosure made by the said co-accused to the effect that the petitioner provided a virtual number i.e. +1(224)-626-6938 in order to facilitate cross border narcotics trade. It is contended that the name of the petitioner has even though surfaced in the disclosure of the co-accused, however, the matter is still at an initial stage of investigation. In order to unearth the entire racket and the modus operandi adopted by the different stakeholders and participants in the drug trade, the custodial interrogation of the petitioner would be necessary. It is submitted that in such an organized trade, persons operate in different silos. The persons who may not immediately be visible but may still be playing an important backstage role in ensuring smooth transaction of the drug trade. Accordingly, in order to bust such a trade, the custodial interrogation is necessary.

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

6. I find myself in agreement with the arguments advanced by the learned State counsel and I am of the opinion that merely because the name of the petitioner has surfaced in the disclosure of the co-accused, the same would not give rise to any indefeasible right in favour of the petitioner to seek concession of pre-arrest bail. Discovery of fact is a proceeding which would be followed during the investigation. It thus cannot be presumed at this stage that no recovery of any nature whatsoever is not likely to be effected at all. Moreover, the Police has already shown the involvement of the petitioner in the commission of the offence inasmuch as he facilitated supply of a digital number of foreign origin and that entire chain was being orchestrated through such a digital mode and communication devices.

7. Finding no merits, the present petition is ***dismissed***.

(VINOD S. BHARDWAJ)
JUDGE

17.06.2026

Mangal Singh

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