



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

101

CRM-M-50517-2025(O&M)

Date of decision: 20.02.2026

GOURAV KUMAR @ GOURAV @ GORA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gautam Dutt, Sr. Advocate with
Mr. Yajur Mago, Advocate, for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)**CRM-50887-2025**

Allowed as prayed for. Additional affidavit of the petitioner alongwith annexure is taken on record.

CRM-M-50517-2025

1. The present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.44 dated 16.05.2025, registered at Police Station Kabarwala, District Sri Muktsar Sahib, under Section 15(c)/29/61/85 NDPS Act.

2. Succinctly, the facts reveal that on 16.05.2025, when the police party was present ahead of village Pannipwala, a pick-up truck was seen coming from the opposite side. On seeing the police party, the same stopped around 500 metres behind, however, its driver was identified by the police as Jazzvir Singh and on suspicion, he was apprehended. After apprising him of his rights, search of vehicle



was conducted, leading to the recovery of 120 kgs. of poppy husk. The requisite samples were drawn and sealed. Ruqa was sent, on the basis of which, an FIR was registered. Thereafter, the said accused, in his disclosure statement, stated that the petitioner had kept the same in the vehicle, on the basis of which, he has been nominated in the present case.

3. Learned Senior Counsel contends that the petitioner is implicated on the disclosure statement of co-accused Jazzvir Singh, only on account of the fact that they being neighbours had certain financial transactions. He is not involved in any other case of similar nature and no recovery has been effected from him, thus he seeks concession of anticipatory bail.

4. On the other hand, learned State counsel opposes on the ground that commercial quantity of contraband was recovered from the co-accused, who had specifically named the petitioner to be the supplier and there are multiple call details available between them. During the course of hearing, it was also submitted that co-accused Jazzvir Singh in his disclosure statement had nominated 2 more accused, namely Mahinder Singh and Gurpreet, the former has been convicted in one case under NDPS Act and the latter is involved in 3 more cases of similar nature, both of whom along with Jazzvir stand arrested, but only the petitioner is evading the same. His custodial interrogation is required in the instant case to find the source of origin, the entire chain of supply and other drug peddlers involved, if any.

5. Heard.

6. It would be apposite to refer to relevant paras of the short reply dated



29.10.2025, filed by way of an affidavit of Deputy Superintendent of Police, Sub Division Lambi, District Sri Muktsar Sahib, which read thus:

“17. That on 26.08.2025, during police custody, accused Jazzbir Singh @ Jazzbir Singh gave a disclosure statement before SI Karamjit Kaur, the then SHO, Police Station Kabarwala to the effect that on 16.05.2025 accused Jazzbir Singh went to Arniwala on his vehicle and Gaurav @ Gora son of Puran Chand, resident of Aniwala now petitioner borrowed the vehicle from Jazzbir Singh as Jazzbir Singh had good intimacy with Gaurav @Gora, so he gave his vehicle to Gaurav @Gora and Jazzbir Singh came to his village by bus. Accused Jazzbir Singh further stated that during the noon time, he was present in his house, then one boy came to his house and asked Jazzbir Singh to accompany him as the said boy was sent by Gaurav @ Gora now petitioner and further asked Jazzbir Singh to cross the vehicle from the bridge because the bridge is narrow and dangerous. Jazzbir Singh further stated that as the vehicle belongs to him and to avoid any complication, so he accompanied with the said boy and at that time, his vehicle was standing on Dhippanwali to Panniwala Road. Jazzbir Singh further stated that two persons were present in his vehicle, one was sitting on the driver seat and the other was on the conductor seat of the vehicle. Jazzbir Singh further disclosed that the person who was sitting on the driver seat stepped down from the vehicle after seeing him and requested him to cross the vehicle from the bridge as he is not a perfect driver. Jazzbir Singh drove his vehicle and crossed from the bridge and he took his vehicle a little ahead from the bridge, then the boy sitting on the conductor seat told him that poppy husk is lying in his vehicle, on hearing this, Jazzbir Singh became perplexed and nervous. Jazzbir Singh further stated that he drove his vehicle from village Dhippanwali to Panniwala through link road, then he found that the vehicle of the police party was coming from the opposite side. Due to wheat harvesting season, the tractor trolleys were transporting wheat crop, so Jazzbir Singh fled away from the spot. Jazzbir Singh further stated that Gaurav @ Gora now petitioner has loaded the poppy husk in his vehicle. The said disclosure statement was reduced into writing by SI Karamjit Kaur which was signed by accused Jazzbir Singh and witnessed by ASI Manjit Singh.

18. That on the basis of disclosure statement suffered by accused Jazzbir Singh, Gaurav @Gora son of Puran Chand, resident of Arniwala was nominated as accused in the present case vide General Diary no.18 dated 26.08.2025 recorded at



Police Station Kabarwala by SI Karamjit Kaur.

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21. That Call Detail Record of accused Gaurav Kumar @ Gora bearing Sim no.85757-64000 has been collected and it is found that on 16.05.2025 at about 09:29:54 Gaurav Kumar @ Gora made a phone call to accused Jazzbir Singh and made conversation for 122 seconds. Apart from this, accused Gaurav Kumar also made conversation with Mahinder Singh on the same day at 10:40:56 and made conversation for 140 seconds. On that day, accused Gaurav Kumar @ Gora made about 17 mobile phone calls to accused Mahinder Singh on 16.05.2025 and also made 12 mobile phone calls to accused Jazzbir Singh. Thus it shows that accused Gaurav Kumar @ Gora was regularly in touch with accused Jazzbir Singh and Mahinder Singh on their mobile phones on the day of recovery. It is pertinent to mention here that accused Gaurav Kumar @ Gora now petitioner failed to explain the said mobile calls made by him to his co-accused Jazzbir Singh and Mohinder Singh even through the present petition. Thus, the petitioner has not approached this Hon'ble High Court with clean hands and on this score alone the petitioner does not deserve the concession of anticipatory bail.

22. That from the attestation of the investigation conducted by the Senior Superintendent of Police, Sri Muktsar Sahib, it is found that the present case has been rightly registered. Investigation regarding the source of recovered 120 Kg poppy husk from the possession of accused Jajbir Singh has not been unearthed yet, so custodial interrogation of accused Gaurav Kumar @ Gora is required to be conducted, so on this score, the accused does not deserve the concession of anticipatory bail in view of the specific provision recorded under section 37 of NDPS Act.”

7. In **Prabhulal vs. Central Bureau of Narcotics**, SLP (Crl.) 6744-2022 was dismissed vide order dated 14.12.2022, affirming the order of Madhya Pradesh High Court, a case for grant of anticipatory bail, as the Chowkidar had stated that commercial quantity of contraband, it being 37 quintal of poppy husk, was loaded by the said appellant and co-accused in the truck.

8. Though, there is no dispute that the name of the petitioner had surfaced in the disclosure statements of the abovementioned co-accused, however,



in this context also Hon'ble the Supreme Court in **State of Haryana vs. Samarth Kumar**, 2022 (3) R.C.R. (Criminal) 991 had held thus:

“7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh vs. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into error in granting anticipatory bail to the respondents.

10. In view of the above, the appeals are allowed. The impugned orders are set-aside. As a consequence, the Appellant –State is entitled to take steps, in accordance with law.”

9. In **Dinesh Chander vs. State of Haryana**, CRM-M-5507-2025, a case involving recovery of commercial quantity of contraband from the co-accused, on whose disclosure the petitioner therein was nominated, this Court declined to grant anticipatory bail on 05.05.2025 and the SLP (Crl.) 9540-2025, filed against which also came to be dismissed on 07.07.2025, on the ground there to be no error in the same.

10. In the case in hand, the name of the petitioner has surfaced based on the disclosure statement of co-accused, who was apprehended at the spot with commercial quantity of contraband, it being 120 kgs. of poppy husk and had categorically named him to be the one who kept them in his vehicle. The ground taken that the disclosure statement of co-accused is inadmissible, has no force, in view of the decisions of Hon'ble the Supreme Court in the cases of **Samarth Kumar** and **Dinesh Chand**(supra). The investigation is at a nascent stage and his



custodial interrogation is imperative so as to complete the chain of supply and also to ascertain the persons who may be involved in this nexus. In case, the petitioner is granted the concession of anticipatory bail then prejudice would be caused to the case of the prosecution.

11. Hon'ble the Supreme Court in **P. Chidambaram vs. Directorate of Enforcement**, (2019) 9 SCC 24, had observed that, "Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy."

12. In **Siddharam Satlingappa Mhetre vs. State of Maharashtra**, (2011) 1 SCC 694, Hon'ble the Supreme Court while expounding the law on anticipatory bail relied on the parameters evolved by the Constitutional Bench in **Gurbaksh Singh Sibbia vs. State of Punjab**, (1980) 2 SCC 565 and held thus:



- “i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- iii. The possibility of the applicant to flee from justice;
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.

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13. The stringent provisions as contained in the statute, are to deal with the drug menace plaguing the society, as the youth are being led on a path having deleterious effects, thereby destroying the very social fabric.

14. Pertinently, on the day when recovery was effected, there were a number of calls exchanged by the petitioner with co-accused Jazzvir Singh and Mahinder Singh, who are both in custody, details whereof are mentioned in para 21 of the status report, as reproduced hereinabove, besides co-accused Gurpreet. The present is not a case where no specifics regarding the contraband have been provided or mere vague allegations have been made, rather huge quantity of 120 kgs of poppy husk, has been recovered from the co-accused, who has explicitly stated that, as a matter of fact, the same belongs to the petitioner, who had kept it in his vehicle, thus it is evident that his custodial interrogation is imperative for the investigating agency to unearth the *modus operandi*. There could neither be any denial by the learned Senior counsel for the petitioner that he is not known to the co-accused nor any argument advanced alleging his false implication and he was also at loss of words to make good his submission with regard to the financial



dealings stated to be between them, by elaborating or substantiating it with documents, for which a query was put, nor any plausible justification was offered for the multiple calls exchanged, particularly on the date of recovery.

15. The foregoing facts and circumstances reveal that the element of criminality cannot be ruled out and couching the petitioner in a comparative safety of pre-arrest bail will impede the thorough and effective investigation to elicit the truth; chain of supply; source of origin and would be detrimental to the same. This Court is, thus, not inclined to grant the concession of anticipatory bail to the petitioner.

16. As a sequel thereto, the present petition, is hereby dismissed.

17. The observations made hereinabove are meant only for the purpose of deciding this case and in no manner be construed to be an expression of opinion on its merits.

20.02.2026
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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