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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108-2

CRM-M-67012-2025 (O&M)

Date of Decision:20.03.2026

Gursahib Singh @ Sahib

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Prince Sharma, Advocate, for the petitioner.
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for grant of concession of anticipatory bail to the petitioner in FIR No.210 dated 15.09.2025 under Section 21(C) of NDPS Act (Section 29 of NDPS Act added later on) registered at Police Station Khalra, Tehsil Patti, District Tarn Taran.

2. On 08.12.2025, this Court had passed the following order:-

“1. For the commission of offence punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as “the NDPS Act” only (Section 29 of NDPS Act), the FIR No. 210 dated 15.09.2025 has been lodged in Police Station Khalra, Tehsil Patti, District Tarn Taran, Punjab.

2. In the above-mentioned case, the petitioner is apprehending arrest, and therefore, he has approached this Court for the benefit of anticipatory bail, by virtue of present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as “BNSS” only.



3. Briefly stating the facts emerging from the record are that the FIR of this case came into being when a police party headed by Sub Inspector Sahib Singh was on patrolling duty in village Dall, and received a tip-of that Jashandeep Singh alias Jashan son of Gursahib Singh, resident of village Dall, who had contacts with smugglers in Pakistan and receives consignment of heroin through drone from Pakistan, was present near Steel Bridge on Defence Drain and waiting for some unknown persons. It was also informed by the above-named informant that Jashandeep Singh alias Jashan might be in possession of narcotic substance. According to prosecution in view of above mentioned information when Jashandeep Singh alias Jashan was apprehended and as per prescribed guidelines the search of his person was carried out. He was found in possession of 260 grams of heroin.

4. It is the case of the prosecution that in view of above mentioned information, the necessary formalities with regard to seizure and sealing of contraband, filing of FIR and formal arrest of accused Jashandeep Singh alias Jashan were performed and further investigation taken up. According to prosecution during the course of investigation the accused Jashandeep Singh alias Jashan was interrogated, and that during interrogation he had suffered a disclosure statement, wherein he nominated the present petitioner.

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent, and waives service.

7. Heard.

8. It has been contended on behalf of the petitioner that the petitioner is innocent, having no criminal antecedents and that



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merely in view of political rivalry, the petitioner, his father and brother have been implicated in the present case by projecting that they are involved in the trading of narcotics substance. As per learned counsel for the petitioner, all the three family members mentioned-above have clean antecedents, which supports the stand of the petitioner that due to political rivalry a false case has been planted upon them.

9. In addition to above, the learned counsel for the petitioner has also contended that otherwise also the petitioner has been nominated by a co-accused, who had suffered the disclosure statement when he was already in police custody. According to learned counsel for the petitioner, there is a big question mark with regard to admissibility in evidence of the abovementioned disclosure statement in evidence, and therefore also for want of any legal evidence against the petitioner, the petitioner is entitled for anticipatory bail.

10. Per contra, the learned State counsel has contended that the recovery of contraband from the possession of co-accused is commercial quantity and therefore, without satisfying the twin conditions enshrined under Section-37 of NDPS Act, the petitioner cannot seek the benefit of bail. As per learned State counsel otherwise also in order to recover drugs, alleged to be in possession of petitioner, his custodial interrogation is necessary.

11. The record has been perused carefully.

12. A perusal of the record shows that there are several factors which are required to be taken into consideration in the present petition at this stage. Those factors are:-

- i) that the petitioner has clean antecedents;
- ii) that the petitioner has been nominated in the disclosure statement suffered by the co-accused, who incidentally happens to be son of the petitioner;



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iii) that the disclosure statement suffered by co-accused was recorded when the maker of it was already in police custody and therefore, there is a big question mark with regard to credibility and admissibility in evidence, of the above-mentioned statement.

iv) that custodial interrogation of the petitioner is not likely to produce a fruitful result;

v) that detention of petitioner in judicial lock-up is not likely to serve any purpose;

vi) the name of petitioner does not figure in the FIR;

vii) that nothing has been recovered from the possession of petitioner;

viii) that the investigation and trial of the case are not likely to be concluded in near future;

ix) that there is nothing on record to show that while on interim anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and

x) that there is nothing on record to show that while on interim anticipatory bail, the petitioner will not participate/cooperate in the investigation.

13. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that the petitioner is entitled for interim anticipatory bail.

14. Thus, it is hereby ordered that in the event of his arrest, the petitioner shall be released on interim anticipatory bail on furnishing bonds to the satisfaction of Arresting Officer. The petitioner shall join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.



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15. List on 09.02.2026 along with connected case, i.e. CRM-M-67105-2025.

16. Let status report and detailed reply be filed by the State by next date.”

3. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has joined investigation. He further submits that in case the investigating agency requires the petitioner to appear, she shall make himself available without demur.

4. Learned State counsel, on instructions, submits that the petitioner has joined the investigation. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 08.12.2025 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C. (now 482(2) of BNSS, 2023)

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

March 20, 2026

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Whether speaking

: Yes/No

Whether reportable

: Yes/No