



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

108

CRM-M-67093-2025 (O&M)

Date of decision: 11.03.2026

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kanwaljeet Singh, Advocate for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.109 dated 01.09.2025, registered under Sections 15 and 25 of NDPS Act, at Police Station Chhajali, District Sangrur.

2. Learned counsel submits that the petitioner has been named in the disclosure statements of Sukhwinder Singh and co-accused Mithu Khan and a recovery of commercial quantity of contraband, it being 100 kgs of poppy husk, has been effected. He has no connection whatsoever with the co-accused, thus, there is no evidence against him regarding his complicity in the present case, thus prays for grant of anticipatory bail.

3. On the other hand, learned State counsel opposes on the ground that commercial quantity of contraband was recovered from the car of the co-accused, Vikram @ Gamma (Gamma Sansi named in the FIR) and Sukhwinder Singh had



disclosed that the name of the petitioner and co-accused Mithu Khan, who stands arrested on 24.09.2025 and in his disclosure statement has specifically named the petitioner as also co-accused Vikram, to be the ones who used to bring poppy husk from Rajasthan and sell it further. There are call details between them, as the CDR of mobile also shows the location of the petitioner to be in Rajasthan on 28.08.2025 and the same was being transported in a car bearing No.CH-01-BG-5981 which was in the ownership of the latter. He is involved in three more cases under the NDPS Act. Custodial interrogation of the petitioner is required in the instant case to find the source of origin, the entire chain of supply of contraband and the other drug peddlers involved, if any.

4. Heard.

5. It would be apposite to refer to relevant paras of the status report dated 14.01.2026, filed by way of an affidavit of Deputy Superintendent of Police, Sub Division Dirba, which read thus:

“8. ROLE OF PETITIONER JASPAL SINGH

That the present FIR was registered against Gama singh (later his full name was confirmed as Vikram Singh alias Gama son of Budh Singh, resident of Jawandha Road, Sunam) and an unknown person. 100 kg poppy husk was recovered from the said accused which was being transported in his car number CH-01-BG-5981. During investigation, on 24.09.2025, Sukhwinder Singh alias Lali son of Hurcharan Singh resident of Khadial, police station, Chhajli recorded his statement before the investigating officer that, “I know Mithu Khan son of Ruldu Khan and Jaspal Singh alias Jassi resident of Khadial. On 01.09.2025 at around 6:00 AM I was walking on the road leading to Khadial Kothe, during this time a Creta vehicle CH01-BG-5981 came, which was going towards Khadial Kothe, Mithu Khan and Jaspal Singh were in the car. Seeing me, he stopped the car, which was being driven by Vikram Singh alias Gama son of Budh Singh resident of Jawandha Road, Sunam. I already knew the three who told me that they have poppy husks/pods, the Kharif season is coming,



you can take poppy husks/pods and sell them to anyone, they will give it at the genuine rate. Two bags filled with poppy husks pods were lying on the back seat of the car and they were clearly visible through the mirrors of the car but I ignored then they left with the said car and poppy husks/pods." On the basis of said statement petitioner Jaspal Singh and Mithu Singh were nominated as accused in this case on 24.09.2025. Accordingly, a specific role is found to be attributed to the petitioner in the commission of present offence.

9. EVIDENCE AGAINST THE PETITIONER:

The present FIR was registered against Gamma Sainsi (who was verified as Vikram Singh alias Gamma son of Budh Singh, later on.). During investigation, Jaspal Singh, (present petitioner) and Mithu Khan were nominated as accused in this case on 24.09.2025. During investigation, accused Mithu Khan was arrested on 24.09.2025 and during interrogation he disclosed that my friends Jaspal Singh and Vikram Singh alias Gamma, both of them in Vikram's car Creta No. CH 01 BG 5981 used to bring Poppy Husk from Rajasthan and used to sell it further. Apart from this, the perusal of CDR of mobile No. 81466-06558 of accused Jaspal Singh his, location was found to be of Rajasthan on dated 28.08.2025.

10. ANTECEDENTS OF PETITIONER JASPAL SINGH

Perusal of record revealed that apart from the present FIR, other FIRs are also found to have been registered against the petitioner. Detail of which is given as under

Sr. No.	FIR No., date, offence & name of P.S.
1.	FIR No.206 dated 21.09.2019 under section 22 NDPS Act, P.S., City Sunam.
2.	FIR No.116 dated 25.11.2022 under section 15, 25, 29 NDPS Act, P.S., Tapa.
3.	FIR No.92 dated 05.05.2025 under section 22 NDPS Act, P.S., City Sunam.

XXXXX XXXXX XXXXX”

5. 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.

6. Though, there is no dispute that the name of the petitioner had surfaced in the disclosure statement of the above-mentioned co-accused, however, in this context also Hon'ble the Supreme Court in the case of **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.”

7. 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.

8. In the instant matter, wherein commercial quantity of contraband i.e. 100 kgs of poppy husk stand recovered, the name of the petitioner surfaced based on the disclosure statement of Sukhwinder Singh and co-accused Mithu Khan,



with whom there were calls exchanged. Moreover, just 3 days prior to the date of incident, the location of the petitioner, as per the CDR of his mobile number, was found to be in Rajasthan. Even otherwise, he is involved in 3 more cases under the NDPS Act. The sole ground taken for grant of anticipatory bail 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.

9. 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

10. 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.
- XXX XXX XXX”

11. 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.

12. The foregoing facts, of the recovery of the contraband being of commercial quantity, the petitioner having been named by the co-accused, who has been arrested, to be the supplier of the same, his location being in Rajasthan just 3 days before the date of incident and his involvement in 3 other cases of similar nature, reveal that the element of criminality cannot be ruled out and grant of protective umbrella of pre-arrest bail to him will hamper the thorough and effective investigation to elicit the truth, coupled with his antecedents being such, he re-offending can not be ruled out, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.



13. As a sequel thereto, the present petition being sans merit, is hereby dismissed.

14. 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.

(AMAN CHAUDHARY)
JUDGE

11.03.2026
ashok

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