



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

108

CRM-M-69801-2025(O&M)

Date of decision: 23.02.2026

SIMRAN ALIAS SIMRANJIT SINGH ALIAS BUGGA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ritesh Pandey, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.73 dated 19.08.2025, registered at Police Station Bhaini Mian Khan, District Gurdaspur, under Section 21(b) and 29 (added later on) of NDPS Act, 1985.

2. Succinctly, the facts reveal that on 19.08.2025, when the police party was present at Dhusi Ban Pakki Road Chowk, co-accused Jagmohan Singh was found standing there, however on seeing the police party, he threw the transparent plastic envelope nearby the road and started running. On suspicion, he was apprehended and 6.39 grams of heroin was recovered from the envelope. The requisite sample was 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 he had



procured the contraband from the present petitioner, on the basis of which, the latter has been nominated in the present case.

3. Learned counsel contends that the petitioner has been falsely implicated in this case on account of there being an enmity between him and the co-accused, who was apprehended alongwith the contraband and in his disclosure statement nominated the petitioner, thus he seeks concession of anticipatory bail.

4. On the other hand, learned State counsel opposes on the ground that there is one more case under the NDPS Act registered against the petitioner, it being FIR No.34 dated 01.03.2021, Police Station C-Division, Amritsar, wherein he was apprehended at the spot along with co-accused and commercial quantity of contraband, it being 250 grams of heroin was recovered, out of which 120 grams was from him and trial is going on. Moreover, he has produced the statement of one Balkar Singh, Sarpanch, dated 06.02.2026, wherein it has been stated that there is no enmity between the parties and their residences are very close to each other. Furthermore, the case under Sections 323, 341 and 149 IPC was registered against the father of the petitioner and others, which is stated to be the bone of contention of false implication, itself, came to be quashed on 02.06.2023, by this Court on the basis of compromise. The co-accused had specifically named the petitioner to be the supplier of the contraband. Thus, 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 status report dated 08.01.2026, filed by way of affidavit of the Deputy Superintendent of Police, Sub Division Rural, District Gurdaspur, which read thus:

“5. That it is humbly submitted that the brief facts of this case are that the ASI Jagdish Singh of Police Station, Bhaini Mian Khan sent a ruqa to SHO Police Station Bhaini Mian Khan on 19.08.2025 that he/ASI along with police officials were going in connection with patrolling and searching the bed elements from Bhaini Mian Khan Police Station to villages Purnia Bagaria, Mullawal, Fattu Barkat, Paswal, Buddha Bala etc. When the police party reached the Dhusi Ban Pakki Road Chowk, Ba-Had Paswal while patrolling, a young man was found standing on the side of the Dhusi Ban Pakki Road in the headlights of the vehicle. Upon seeing the police party, he threw the transparent plastic envelope held in his right hand on the nearby road and started running away. On the basis of suspicion, he/ASI caught him with the help of his fellow employees and asked him for his name and address. He told his name as Jagmohan Singh, son of Dhajjan Singh, resident of Phulra, Bhaini Mian Khan Police Station. On which he/ASI checked the plastic envelope thrown by the said Jagmohan Singh and we tried to join the public witness with the police party, but due to darkness, no one could join the police party. Then he/ASI In the presence of his fellow employees, lifted the plastic envelope on the ground and checked it, which found heroin in it. He/ASI weighed the seized heroin with the help of the electronic scale available with him, and found that the envelope contained 6 grams 39 milligrams of heroin. The seized heroin was put in a plastic box and sealed with his seal as JS/1. The sample seal was prepared separately and handed over to the ASI Major Singh 135/Gsp after use. The seized heroin, including 6 grams 39 milligrams, was put in a separate plastic envelope and parcel was prepared, because Jagmohan Singh has committed an offence under Section 21(b) of the NDPS Act by keeping 6 grams 39 milligrams of heroin in his possession. Hence, a case FIR No. 73 dated 19.08.2025 u/s 21(b) of NDPS Act at Police Station Bhaini Mian Khan, District Gurdaspur was registered



6. That it is humbly submitted that during the investigation, co-accused Jagmohan Singh was got recorded his disclosure statement before the investigating officer that the said heroin recovered from him, that heroin was given by Simran Singh @ Simranjit Singh @ Bugga. Hence Simran Singh @Simranjit Singh @ Bugga (Petitioner) was nominated as an accused and offence under Section 29 of NDPS was added in this case vide GD No. 18 dated 21.08.2025. The true translated disclosure statement is annexed herewith as Annexure R-1/T.

XXX

8. RECOVERY

Heroin = 6 gram 39 mg along with
polythene bag

9. ROLE OF THE PETITIONER

The petitioner is main accused in this case and the petitioner sold the Narcotics drugs i.e. heroin to the accused Jagmohan Singh, which was recovered in this case.

10. That it is humbly submitted that as per the information of ASI Jagdish Singh of Police Station Bhaini Mian Khan, Gurdaspur, 01 other criminal case (except present case) has been registered against the petitioner as under: -

SR.No.	FIR No. dated, under Section and Police Station	Status
1.	FIR No. 34 dated 01.03.2021 u/s 21 (c) of NDPS Act Police Station C-Division, Amritsar	Pending in the learned Court.

7. Though, there is no dispute that the name of the petitioner had surfaced in the disclosure statement of the aforesaid 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.”

8. 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 contraband, it being 6.39 grams of heroin, and had categorically named him to be the supplier of the same. 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.

9. 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.

10. 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."

11. 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”

12. 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.

13. This is not a case where the petitioner has clean antecedents, as there is one more FIR registered against him, wherein he was apprehended at the spot with 120 grams of heroin, which is pending trial. So far as the plea of false implication by the co-accused is concerned, the same remains unsubstantiated as the record does not contain any evidence to establish the existence of such enmity or to demonstrate that the implication was motivated by malice. Further, as is evident from the statement of Balkar Singh, Sarpanch, the FIR and cross-case registered against the petitioner and the co-accused, who reside close to each other, stand quashed and there is no enmity between them. The present is not a



case where no specifics regarding the contraband have been provided or mere vague allegations have been made, rather heroin has been recovered from the co-accused, who has explicitly stated that, as a matter of fact, the same has been supplied by the petitioner, thus it is evident that his custodial interrogation is imperative for the investigating agency to unearth the *modus operandi*.

14. 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.

15. Consequently, the present petition is hereby dismissed.

16. 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.

23.02.2026
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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