



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

110

CRM-M-74066-2025

Date of decision : 12.01.2026

PARDEEP KUMAR

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Samay Singh Sandhawalia, Advocate  
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

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**SURYA PARTAP SINGH, J. (Oral):**

1. For the commission of offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS' only, the FIR No.76 dated 02.08.2018 has been lodged in Police Station Mallanwala, District Ferozepur. In the above-mentioned case, the petitioner is apprehending arrest, and therefore, for the benefit of anticipatory bail he has approached this Court, by virtue of present petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nutshell, the contents of the FIR are that on 02.08.2018, at about 9.30 P.M. when a police party headed by ASI Narinder Singh was on patrolling duty in Mandi Mallanwala, it spotted a person holding a polythene bag in his hand. As per prosecution when on the basis of suspicion, with the help of torch light, the police party signalled the abovesaid person to stop, he tried to sneak away towards the dark portion of the grain market. As per



prosecution he was followed and apprehended by the police party and search of the abovesaid person was conducted as per laid down procedure. It is the case of the prosecution that in the search of above named person it was found that he was carrying 680 loose intoxicating tablets which were seized and sealed in accordance with law.

3. With regard to above mentioned proceedings, taken up by the police, it is relevant to mention here that at initial stage the contents of the intoxicating tablets and the quantity of intoxicant in the tablets could not be ascertained, and, therefore, on 24.09.2018, learned Special Judge, Ferozepur released the petitioner on interim bail, but subject to the condition that on receipt of report of Chemical Examiner if it would transpire that quantity of psychotropic substance recovered from the possession of accused comes within commercial quantity, the interim bail granted to the petitioner shall automatically stands cancelled.

4. It is the case of the prosecution that report of Chemical Examiner has been received and as per the above mentioned report the quantity of psychotropic substance found in the contraband, recovered from the possession of petitioner, is Tramadol Hydrochloride measuring 94.56 mg. per tablet i.e. 643 grams in total, a commercial quantity.

5. In addition to above, it is also relevant to mention that once the report of Chemical Examiner was received and challan was filed before the Court, the petitioner approached this Court for anticipatory bail, but later on the above said petition was withdrawn on 07.07.2025. Once the first petition was withdrawal on 07.07.2025, the petitioner filed another petition for



anticipatory bail, which was dismissed by virtue of order dated 08.09.2025 on merits.

6. Heard.

7. It has been contended by learned counsel for the petitioner that instant case is a case, wherein the FIR was lodged in the year 2018 but the investigation was not completed by the Investigating Agency for almost seven and half years, and that the final report has been filed by the Investigating Agency after such a long delay, which amounts to infringement of right of the petitioner for speedy trial.

8. In addition to above, it has also been contended by learned counsel for the petitioner that the petitioner is an old aged person, who is suffering from serious liver ailment, and that on humanitarian ground also, the petitioner is entitled for the benefit of bail.

9. In support of his arguments, the learned counsel for the petitioner has referred to the observations made by this Court in the case of Bhisham Singh Vs. State of Haryana, CRM-M-13315 of 2024 decided on 09.04.2024, wherein it has been observed that:-

*“An analytical perusal of Cr.P.C. would elucidate that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking anticipatory bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not been specifically provided for by the legislature especially when such reading results into deprivation of rights.”*



10. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel the second petition for anticipatory bail moved by the petitioner was dismissed by this Court in the recent past, and that from the date of dismissal of former petition for anticipatory bail no change in circumstance has taken place, whereas the law prescribes that subsequent bail petition is maintainable only in case of significant change in prevailing circumstances. The learned State counsel has further contended that once the former petition for anticipatory bail, moved by the petitioner was dismissed, the petitioner was duty bound to surrender before the learned trial Court but he has failed to do so and therefore, also he is not entitled for the benefit of anticipatory bail.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case, there are certain relevant factors, which are required to be taken into consideration for arriving at any decision. Those factors are:-

- i. that allegations against the petitioner are for being in possession of commercial quantity of Psychotropic Substance;
- ii. that the former petition for anticipatory bail moved by the petitioner was dismissed in recent past;
- iii. that from the date of dismissal of former bail petition, no significant change in circumstance has taken place;



- iv. that with regard to plea of petitioner that there has been delay in investigation it is relevant to note that no bar of limitation is attracted in this case.
- v. that on the ground of illness, the proper course available to the petitioner is to first to surrender before the learned trial Court and seek regular bail on the above-mentioned ground.

13. It is pertinent to mention here that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such relief, the Hon'ble Supreme Court in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

14. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

15. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024', the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy



and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

16. In the case of ‘Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565’, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

17. Taking into consideration the above mentioned facts and circumstances of the present case and the above-mentioned principles of law, which squarely covers the factual matrix of the present case, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail, and that the present petition, being devoid of merits, deserves dismissal. Hence, the present petition is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)  
JUDGE

12.01.2026

*vipin*                      Whether speaking/reasoned    Yes/No  
                                 Whether reportable                      Yes/No