



CRM-M-56035-2025

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

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CRM-M-56035-2025

Date of decision: 10.11.2025

Jagbir Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Amit Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.121 dated 02.06.2025 registered for offences punishable under Sections 21(c), 25 and 29 of the NDPS Act and Section 25 of The Arms Act at Police Station Lopoke District Amritsar Rural, Punjab.

2. The gravamen of the FIR in question reflects that ASI Sukhwinderjit Singh, alongwith a police team was on patrol duty near T-Point Dalle Ke Sahura Road, Police Station Lopoke, District Amritsar (Rural), in official vehicle. During patrolling, a secret informer informed that three persons namely Jodhbir Singh @ Kohli, Buta Singh @ Vishal and Karanbir Singh @ Karan were engaged in the illegal trade of Diacetylmorphine (Heroin) and illegal ammunition and were coming on a Swaraj Tractor (Blue) bearing No.PB-30AB-4646 with a trolley from village Dalle via kacha Path to deliver the contraband. The police team



immediately conducted a raid and apprehended the three suspects on the said route. After informing them of their legal rights under Section 50 of NDPS Act and upon their request, Sh. Inderjit Singh, DSP, Sub-Division Raja Sansi (Gazetted Officer) was called to the spot. In the presence of the said Gazetted officer, from the black bag of accused Jodhbir Singh, 1.5 kgs of Heroin was recovered, from accused Buta Singh, 540 grams of Heroin in a polythene bag was recovered and from accused Karanbir Singh, one pistol (Made in Austria) was recovered from his undergarment. All the recoveries were sealed with seals "SS" and "IS". The accused persons were arrested and the case property including the tractor and trolley was taken into police possession. Accordingly, the instant FIR was registered and investigation ensued. Subsequently, during the course of investigation, the name of the petitioner surfaced on the basis of disclosure statement of co-accused Jodhbir Singh alias Kohli (brother of the petitioner).

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question although his name does not figure in the FIR. Learned counsel has further iterated that the FIR was registered solely on the basis of secret information received by the Police during patrolling naming three persons who were allegedly apprehended on the spot with recovery of Heroin and a pistol. Learned counsel has further iterated that the petitioner has been arrayed as an accused in the present case solely on the basis of the disclosure statement made by his brother (co-accused) Jodhbir Singh @ Kohli while in custody, which is inadmissible in evidence. Learned counsel has further iterated that no recovery, either of any narcotic substance or other incriminating



material, has been effected from the petitioner. Furthermore, petitioner is a person of clean antecedents who ordinarily resides and works as a Carpenter in the United Arab Emirates and has no connection with the alleged offence. It has been further submitted that there is no independent corroborative evidence linking the petitioner to the alleged offence and his name does not find mention in the FIR. The only basis for implicating the petitioner is the unsubstantiated disclosure statement of the co-accused. Learned counsel has further submitted that nothing has been recovered from the possession of the petitioner and, thus, his custodial interrogation is neither warranted nor justified. Learned counsel further submitted that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. According to learned State counsel, the petitioner is actively involved in the illicit trade of narcotic substances and has an active role in the supply of the contraband in question. Referring to the status report dated 02.11.2025 filed by way of affidavit of Neeraj K. Anarya, PPS, Deputy Superintendent of Police, Sub Division Rajasansi, Amritsar Rural, in Court today, learned State counsel submits that the name of the petitioner surfaced in the disclosure statement of the co-accused Jodhbir Singh alias Kohli. The relevant paras of the said affidavit reads thus:

“3. That during the questioning of the accused Jodhbir Singh alias Kohli son of Karaj Singh, resident of Village Vaniekey Ps Lopoke,



Amritsar, he has made a disclosure on dated 09.06.2025 before the SHO, PS Lopoke, am considerable while I Amritsar, that "since a smuggling the contrabands of heroine from Pakistan through drones from Pakistani Smugglers, who used to send the heroine through drones. The Pakistani Smuggler from whom I used to get heroine never disclosed his name. A few days back, I have smuggled heroine from the Pakistan Side. On that day, the drone has brought about 06 packets of heroine. I have brought the heroine to my residence and handed over to my brother Jagbir Singh alias Raja son of Karaj Singh resident of Vanieke, and I told him that you should keep the heroine in safe custody. Thereafter, I have again smuggled the heroine contraband. Thereafter, police apprehended me and recovered 01 KG and 500 Grams heroine. My six packets heroine weighing about 3 KG, which is kept with my brother Jagbir Singh alias Raja. I have committed mistake. Kindly pardon me." The copy of the memo of disclosure is Annexure R1.

4. *That on the basis of the said disclosure statement dated 09.06.2025, vide GD No. 019 dated 09.06.2025 the petitioner was nominated as an accused in the above said FIR and attempts were being made to arrest the petitioner, but the petitioner is playing hide and seek with the police.*

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8. *That in view of the serious offences committed by the Petitioner as stated to above and the fact that the custodial interrogation of the petitioner is required for the recovery of the narcotics i.e. 3Kg heroine smuggled from Pakistan and further to trace the source of the said heroine, his custodial interrogation is necessary. Therefore, the present Peittin may kindly be dismissed on this ground alone."*

Learned State counsel has raised submission in tandem with the aforesaid status report. He has emphasized that given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and the potential threat to the fair conduct of the trial, it is respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.



5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on the alleged day of occurrence, acting on credible secret information, co-accused Jodhbir Singh @ Kohli, Buta Singh @ Vishal and Karanbir Singh @ Karan were apprehended by the police and substantial quantities of Heroin (i.e. 01 KG 500 grams and 540 grams) was recovered from their possession which fall within the definition of commercial quantity under the NDPS Act. The rigors of Section 37 of the Act are therefore, attracted. The name of the petitioner though not mentioned in the FIR but his name has surfaced during investigation through the disclosure statement of co-accused Jodhbir Singh @ Kohli, who is the real brother of the petitioner. The said disclosure attributes a specific role to the petitioner in concealing the contraband. At this stage, the alleged involvement of the petitioner founded principally on the disclosure statements of co-accused coupled with the fact that the investigating agency has also gathered corroborative evidence to substantiate the case of the prosecution. In the considered opinion of this Court, the veracity of such disclosure and the extent of the involvement of the petitioner can only be ascertained through the custodial interrogation which is necessary to trace the source, storage and network of drug supply. At this stage, no material has been placed on record to show that the petitioner is completely not connected with the offence. The investigation is still underway and the possibility of recovery



of further contraband or discovery of incriminating material cannot be ruled out.

7. The investigation so far indicates the involvement of the petitioner in a well-organized network, engaged in the illegal distribution of psychotropic substances. The nature and gravity of the offence, coupled with the material on record, justify further custodial interrogation to unravel the larger conspiracy and identify the other potential co-conspirators. The nature of the allegations, coupled with the possibility of the petitioner being part of a larger nexus engaged in the unlawful trade of narcotic substances, raises serious concerns that cannot be brushed aside at this nascent stage of the investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses who may be vulnerable to coercion does not appear to be without basis. Given the seriousness of the offence, the stage of investigation, the possibility of tampering with evidence or obstructing justice and the overarching public interest in deterring the menace of narcotic drug trafficking, this Court is of the view that the petitioner does not merit the concession of bail at this juncture. Moreover, in view of the serious allegations, the custodial interrogation of the petitioner is indispensable for unearthing the broader conspiracy and identifying the other potential accomplices that may be within the exclusive knowledge or possession of the petitioner. Moreover, the grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.



8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also for reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***], the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.



9. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 10, 2025
Ajay

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