



CRM-M-18902-2026

-1-

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

CRM-M-18902-2026

Decided on: 07.04.2026

Sajan Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.182 dated 05.07.2025, registered under Sections 21(C)/27(A)/29/61/85 of NDPS Act, 1985 and Sections 25/54/59 of Arms Act, 1959 at Police Station Anti Narcotics Force (ANTF), District ANTF Wing, SAS Nagar.

2. Succinctly, facts of the case are that on 05.07.2025, the police party while on patrolling received a secret information to the effect that Simranjit Singh @ Sunny is carrying out smuggling of heroin and illegal arms at very large scale and kept the heroin and illegal arms in his house. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted and raid was conducted at the place disclosed. Simranjit Singh @ Sunny was apprehended by the police and 1.6 Kgs of heroin alongwith country made pistol and drug money of Rs.3,550/-, has been recovered from his possession. He failed to produce any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. During the investigation, Simranjit Singh @ Sunny made a disclosure statement and disclosed that the said contraband



and the arms were supplied by the petitioner, namely, Sajan Singh. Thus, the petitioner was also arrayed as an accused in the present FIR. Apprehending arrest, the petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of anticipatory bail. However, after hearing both the sides, learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 07.03.2026. Hence, the petitioner has approached this Court praying for grant of anticipatory bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner has been named in the FIR nor any recovery has been made from him. However, he has been falsely implicated in the present case only on the basis of disclosure statement of the co-accused, which is not even an admissible evidence. He submits that there is no direct evidence against the petitioner and thus, his false implication in the present case is writ large. He contends that the petitioner has falsely been implicated in one more case, however, he is on bail in the same. He thus, contends that in the fact and circumstances of the present case, no case as alleged against the petitioner is made out and hence, he deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that from the co-accused, namely, Simranjit Singh @ Sunny, 1.6 Kgs of heroin alongwith country made pistol and drug money of Rs.3,550/-, has been recovered and on his disclosure statement complicity of the petitioner was surfaced being



the supplier of the said contraband and the arms. He submits that the contraband recovered in the present case is commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He contends that as per the Call Detail Records, the petitioner was in contact with the main accused. He submits that custodial interrogation of the petitioner is required to know the source of the network and supply of heroin and weapon recovered from the main accused. He, thus, submits that the present petition deserves to be dismissed.

5. Heard learned counsel for the parties and perusing the record. On perusal of the record, it is apparent that a substantial quantity of contraband i.e. 1.6 Kgs of heroin, along with a country-made pistol and drug money, has been recovered from the co-accused, Simranjit Singh @ Sunny. The disclosure statement of the said co-accused implicates the petitioner as the alleged supplier of the aforesaid contraband and arms. The offences alleged against the petitioner are of serious nature, falling under the Narcotic Drugs and Psychotropic Substances Act, 1985, and the Arms Act, 1959, and the quantity of contraband involved attracts the provisions of Section 37 of the NDPS Act. Considering the gravity of the allegations and the necessity for custodial interrogation of the petitioner to ascertain the source and network of supply, this Court is of the view that the petitioner is not entitled to anticipatory bail at this stage.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

**482“Direction for grant of bail to person apprehending arrest:**

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*
7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disinterring offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. The petitioner has approached this Court praying for grant of anticipatory bail, however, Hon'ble Supreme Court in **The State of Haryana vs. Samarth Kumar, 2022(3) RCR Cri. 991** has held that in the cases like the present one, the accused may take advantage of facts like no recovery was effected from him and that he was implicated on the basis of disclosure statement made by the main accused, at the time of arguing regular bail application or at the time of final hearing after conclusion of trial.



CRM-M-18902-2026

-6-

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

07.04.2026
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No