

2025:PHHC:053164



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

103

CRM-M-19644-2025
Decided on:09.04.2025

Baldev Singh

...Petitioner

Versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Lalit Singla, Advocate,
for the petitioner.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner in a case FIR No.155 dated 30.10.2024, registered under Sections 15(c), of the NDPS Act, 1985, at Police Station Jhunir, District Mansa.

2. Succinctly, the facts of the case are that the police party, while patrolling on 30.10.2024, found a Maruti Swift Dezire car on the side of the road, which was turned turtle. No-one was found in the vehicle. However, the police party suspected some narcotic substance in the bags lying in the car. On search, three plastic bags were recovered from the vehicle. The first bag was found containing 15 Kgs of poppy husk, where rest of the two bags were found containing 20 Kgs of poppy husk each. Thus, in total, 55 Kgs. of poppy husk was recovered from three bags. During investigation, it was found that the petitioner Baldev Singh was the owner of the vehicle, from which contraband had been recovered. The petitioner, thus, was arrayed as an accused. Apprehending arrest, the petitioner approached the Special Court, Mansa for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 18.03.2025. Hence,

2025:PHHC:053164



aggrieved against the said order, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner is named in the FIR nor any recovery has been effected from his conscious possession. He submits that neither the car in question was registered in the name of the petitioner nor he was present at the spot at the time of alleged recovery. It is submitted that investigating agencies have failed to produce any evidence regarding ownership of the car in the name of the petitioner. He submits that admittedly, recovery of the contraband has been effected from an abandoned car and, thus, conscious possession of the contraband recovered is not proved against the petitioner. While praying for grant of concession of anticipatory bail, learned counsel for the petitioner relies upon a judgment of the Supreme Court rendered in the case of **Rakesh Kumar Raghuvanshi vs. The State of Madhya Pradesh**, (SC) 2025 INSC 96 and a judgment of the Rajasthan High Court rendered in the case of **Jassa Ram @ Jasa Ram @ Jasiya @ Jaswant @ Jasu vs. State of Rajasthan, through PP**, SB Criminal Misc. Bail Application No.12055/2024, decided on 08.10.2024.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and has vehemently opposed the bail application and it has been submitted that the car from which the contraband weighing 55 Kgs of poppy husk has been recovered is owned by the petitioner. It is submitted that even if the car is not transferred in the name of the petitioner, it has come on record during investigation that the petitioner has already purchased the said car. He submits that the recovered contraband is a commercial quantity and the investigation is at threshold. He, thus, submits that the present petition, being devoid of merit, deserves to be dismissed.

2025:PHHC:053164



6. After hearing learned counsel for the parties and perusing the available record, it is deciphered that recovery of 55 Kgs. of poppy husk has been effected from the car owned by the petitioner, which was found turned turtle on the side of the road. During investigation, it is found that this car had already been purchased by the petitioner though it is argued before this Court that the petitioner is neither owner of the car nor any conscious possession against him has been proved as he was not present at the time of occurrence. There is no dispute regarding the law settled in the judgments relied upon by learned counsel for the petitioner, however, this Court is dealing with the anticipatory bail filed by the petitioner and the same cannot be appreciated at the present stage. Since the recovery effected falls under the category of commercial quantity, therefore, the bar under Section 37 of the NDPS Act is attracted in the present case. The petitioner was also involved in case FIR No.06 dated 16.11.2018, registered under Sections 18 read with Section 29 of the NDPS Act, 1985, at Police Station SSOC at SAS Nagar Mohali, in which he was convicted and his appeal against conviction is pending before this Court. Since the investigation is at threshold, therefore, the contentions raised by the learned counsel for the petitioner cannot be appreciated at this stage where he has approached this Court for the grant of concession of anticipatory bail. However, the same could be appreciated at the relevant stage.

7. 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.*

2025:PHHC:053164



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.”*
8. 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 ensconded with a favorable order under Section 438 if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring 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.”

2025:PHHC:053164



9. 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.

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 do not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the present 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.

April 09, 2025
vinod*

(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: NO/YES
Whether Reportable: NO/YES