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

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**CRM-M-9296-2025 (O&M)
Date of decision: 12.05.2025**

Sony Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Satnam Singh Gill, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 178 dated 21.10.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Samana, District Patiala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 21.10.2024, a secret information was received that Gurwinder Singh @ Gagan, petitioner Sony Singh, Nachhatar Kaur and Sukhwinder Singh were indulged in selling intoxicating tablets and if a raid is conducted at their house, then heavy quantity of the contraband could be recovered. It was also informed that on that very day, co-accused Gurwinder Singh @ Gagan was standing at the bus stand at Kotli for the purpose of

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selling the intoxicating tablets. Believing the information to be reliable, a police party headed by ASI Nirmali Singh immediately rushed towards the informed place and apprehended co-accused Gurwinder Singh @ Gagan and recovered 53 grams of heroin from his possession. Upon interrogation, he disclosed that he was to supply to the contraband to the present petitioner. He also named on Ravi. On the basis of the disclosure statement suffered by above named co-accused, the petitioner was nominated in this case as an accused. Apprehending his arrest, he had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Patiala but the same had been dismissed, vide order dated 21.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is nothing on record to connect the petitioner with the subject crime. Mandatory provisions of Section 42 of the NDPS Act were not complied with properly. Even the recovery of the said contraband effected from the co-accused does not fall under the commercial quantity. The petitioner is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has vehemently opposed the prayer made by the petitioner by submitting that he is not entitled to get benefit of bail as he is habitual offender. He is involved in as many as 06 FIRs under the NDPS Act and in one FIR under the Excise Act. There are serious allegations against him. His custodial interrogation is must

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for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Gurwinder Singh @ Gagan, who was apprehended by the police party on 21.10.2024 and from whose custody, recovery of 53 grams of heroin was effected. The petitioner was duly named in the secret information. He is shown to be involved in multiple cases under the NDPS Act, apart from one case, which has been registered against him under the Excise Act. His criminal antecedents are obviously not clean. He seems to be a habitual offender. Even otherwise, no exceptional or extraordinary circumstance for grant of anticipatory bail has been made out in his favour. It is well settled law that the powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the

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matter by the police. Accordingly, finding no merit, the petition is dismissed. Interim order shall stand vacated.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.05.2025

Wasim Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No