

2025:PHHC:127380



216 (2nd case)

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

CRM-M-30364-2025

Date of decision: September 15, 2025

Jaswinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nitesh Jhajria, Advocate,
Mr. Akshay Sharma, Advocate and
Mr. Sayyam Garg, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory
bail to the petitioner in case bearing FIR No.226 dated 15.11.2024, registered
for the offences punishable under Section 15 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short 'NDPS Act') [Sections 25, 27-
A, 29, 31 of the NDPS Act and Sections 25, 25(1)(B) of the Arms Act, 1959
(for short 'Arms Act') added later on], at Police Station Sadar Jalandhar,
District Police Commissionerate Jalandhar.

2. The gravamen of the FIR in question is that on 15.11.2024, at
about 12:05 a.m., co-accused, namely, Guravtar Singh Tari (driver) and Des

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Raj (co-passenger) while they were travelling in a car bearing registration No.PB-09-Q-4590, and similarly, another co-accused, Daler Singh, who was driving vehicle No.PB-08-DS-4993, were apprehended by the police, and total contraband of 15 Quintals 40 kg of poppy-husk and one country-made pistol were allegedly recovered from them. Pursuant to the disclosure statement of Daler Singh, the present petitioner has been implicated as an accused in this case.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that prime prosecution material available against the petitioner is the disclosure of co-accused, namely, Daler Singh, which *per se* is not tenable in law. Learned counsel further asserts that nothing is to be recovered from the petitioner and thus, his custodial interrogation is neither warranted nor justified. Learned counsel has urged that pursuant to the interim order dated 28.05.2025, the petitioner has joined investigation and cooperated therein. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

4. *Per contra*, learned State counsel has filed the status report by way of an affidavit dated 15.08.2025 of Paramjit Singh, PPS, Additional Deputy Commissioner of Police, Jalandhar, in the Court, which is taken on record. Relevant of the said status report reads thus:

“32. That it is pertinent to mention that during the course of investigation, the call detail records (CDRs) and location data of the mobile numbers used by the accused persons were obtained to establish their communication and association. Upon receipt and scrutiny of the said records, it has been revealed that the Present Petitioner remained in frequent contact with co-accused Daler

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Singh @ Dalera son of Surjit Singh on his mobile number 77196-33390, using his own mobile number 77173-85923. It is further transpired that mobile sim no. 77173-85923 used. by Jaswinder Singh is found to be registered in the name of his father Amarjit Singh as per CAF report (customer application form) given by JIO Company. Similarly, mobile number pertaining to co-accused Daler Singh @ Dalera is also registered on his name. Copy of call details is attached for ready reference of this Hon'ble Court, which is Annexure R-2.”

4.1. Raising submissions in tandem with aforesaid status report, 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. Learned State counsel submits that as per the Call Detail Records (CDR) and tower location data of the mobile phone belonging to the father of the petitioner (but used by the petitioner) were obtained, which clearly ascertain that the petitioner has been in frequent touch with the co-accused. Given these circumstances, custodial interrogation of the petitioner is indispensable. Therefore, it is submitted that the present petition is devoid of merit and is liable 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. Perusal of the aforesaid status report as also record available on the case file reveal, it emerges that the petitioner was in frequent touch with co-accused Daler Singh, who, along with his associates, was apprehended and from whom a huge quantity of contraband, i.e., 1540 kilograms of poppy husk, as well as a country-made pistol, were recovered. The investigating agency has taken the stand that the Call Detail Records (CDR) and tower location data of the mobile

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phones of the accused were collected and analyzed, which confirm the petitioner's regular communication and association with the said co-accused. The allegations in the FIR, when considered in conjunction with the investigation *qua* the petitioner conducted so far, including the CDR and tower location data, *prima facie* reflect the petitioner's involvement with the co-accused at the relevant point of time.

7. Furthermore, the investigation with regard to the petitioner is still at a crucial stage, and his custodial interrogation is considered necessary to unearth the complete facts and to ascertain the involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation *qua* the petitioner and possibility of tampering with evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture. Moreover, in view of the serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy and identifying the other accomplices that may be within the exclusive knowledge 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.

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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 the deeper and wide impact of such alleged iniquities on the 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 *qua* the petitioner, appear to establish a reasonable basis for his accusation. 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

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milieu of the case in hand. Moreover, custodial interrogation of the petitioner is 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

September 15, 2025

Mahavir/Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No