



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

211-II

CRM-M-41197-2025

Date of decision: 16.09.2025

Santosh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J.(ORAL)

1. The instant petition has been preferred by the petitioner under Section 428 of BNSS for grant of anticipatory bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
103	02.03.2025	18, 29 of the NDPS Act	Zirakpur, District SAS Nagar

2. Arguments heard.

3. Learned counsel submits that petitioner has been falsely implicated in the present case. He was not named in the FIR but was nominated on the disclosure statement of co-accused Ranjit Singh, father of co-accused Jashanpreet Singh @ Jashan, who was apprehended red handed, while keeping in his illegal possession 13 Kgs of Opium. Learned counsel further contends that pursuant to grant of interim anticipatory bail, petitioner joined the investigation and that the plea taken by the State that he did not cooperate with the investigation, deserves not to be taken note of, for merely because nothing incriminating was recovered at his instance would not be construed as "Non-Cooperation" on his (P) part. In support of his



submissions, learned counsel has placed reliance upon the judgment of Hon'ble Supreme Court in *Jugraj Singh vs. State of Punjab (Criminal Appeal No.3640/2025 @SLP (Crl) No. 9190/2025, decided on 20.08.2025)*.

Learned counsel further submits that petitioner has no concern, both with the alleged recovery as well as with the accused arrested at site (Jashanpreet Singh) and the other co-accused Ranjit Singh. Based on these submissions, learned counsel prays grant of anticipatory bail to petitioner.

4. *Per contra*, while referring to the reply dated 25.08.2025 (by way of affidavit of Mr. Jaspinder Singh, PPS, Superintendent of Police, Sub Division Zirakpur, District SAS Nagar (Mohali), learned State counsel has opposed the present petition for grant of anticipatory bail on the grounds that name of the petitioner surfaced on the disclosure statement of co-accused Ranjit Singh, who is father of co-accused Jashanpreet Singh @ Jashan, was caught red handed, while keeping in his illegal possession 13 Kgs of Opium. Learned counsel submits that co-accused Jashanpreet Singh @ Jashan, in his disclosure statement specifically pointed out that on 27.03.2025, he had gone to Patna Sahib to procure opium, where he stayed at Gurdwara Sahib at night and used to operate his phone on Wi-Fi by taking a Hotspot from some hotel or from some other person. The dealer who had procured the Opium was in touch with his father Ranjit Singh on 'WhatsApp'. On 28.02.2025, his father Ranjit Singh had sent him four screenshots through WhatsApp from his (Ranjit Singh) WhatsApp number 81463-83156 showing that on 28.02.2025 itself Rs.35,000/-, Rs.15000/- and Rs.30,000/- (total Rs.80,000/-) was paid to Santosh Kumar (petitioner) through 'PhonePe' and on the same day, Rs.1,00,000/- were transferred to co-accused-Sanoj Kumar. Learned State counsel next submits that the bank account statements of co-accused



Jashanpreet Singh and Ranjit Singh were obtained, a bare perusal of which revealed that Rs.1,80,000/- had been transferred to the accounts of Sanoj Kumar (co-accused) and Santosh Kumar (petitioner). Thus, clearly indicating the complicity of the afore two.

Learned State counsel also contends that petitioner's bank account statements also corroborated with the disclosure statement of co-accused Jashanpreet Singh @ Jashan. These transactions indicate that petitioner and co-accused Santosh were the suppliers of 13 Kgs of Opium (Commercial Quantity) to Jashanpreet Singh @ Jashan.

Learned State counsel further contends that the alleged recovery of contraband from Jashanpreet falls within the purview of 'Commercial Quantity' and attracts the rigors of Section 37 of the NDPS Act. It is further his submission that the presence of petitioner is needed for custodial interrogation to unearth the *modus operandi*, source of supply chain, as also who all are involved etc. Dismissal of the bail petition is prayed for.

5. The case that has been set up by prosecution is that on 02.03.2025 on the basis of secret information received by the police party that co-accused Jashanpreet Singh @ Jashan son of Ranjit Singh, who is already involved in several NDPS cases, can be apprehended red handed while transporting Opium in heavy quantity, as also that he would be travelling by car (Maruti Ciaz) bearing registration No.PB-65-BJ-9095 and would be going towards Ferozepur via Zirakpur, Mohali side. Finding the information reliable, the ruqa was dispatched by the IO, on the basis of which the aforesaid FIR was registered. SI Gurpreet Singh laid Naka at Airport Road and started checking the vehicles coming from Ambala-Chandigarh Highway side, during which one white Maruti Car (Ciaz)



bearing registration No. PB-65-BJ-9095 was seen coming from Ambala side. The driver was signalled to stop, who tried to run away but was caught due to sharp reflexes of the police officials. He introduced himself as Jashanpreet Singh @ Jashan. Statutory formalities were conducted. From the car, a plastic packet with black/brown coloured substance was recovered. The substance was identified as 'Opium'. On electronic scale, it weighed 13 Kgs. Jashanpreet failed to produce any valid permit or licence for keeping in his conscious possession Commercial Quantity of the contraband. As noted above, during interrogation, Jashanpreet disclosed that he had been sent by his father Ranjit Singh (co-accused) to fetch the contraband from Patna. He also showed the four screenshots sent by his father on his WhatsApp number, which indicated that Rs.35,000/-, Rs.15000/- and Rs.30,000/- (total Rs.80,000/-) were paid to Santosh Kumar (petitioner) through 'PhonePe' and on the same day, Rs.1,00,000/- were transferred to co-accused-Sanoj Kumar. The bank account statement of petitioner collected during the course of investigation also corroborated with the disclosure statement of Jashanpreet Singh. Thus, clearly indicating the complicity of the present petitioner as one of the suppliers of the recovered contraband (Commercial Quantity).

Submission of learned counsel that after the concession of interim anticipatory bail was granted to petitioner, he joined the investigation and thus his presence is not needed for custodial interrogation, has not found favour with this Court, for the simple reason that in the status report filed by the State, the role of the petitioner came to be known as one of the suppliers of the contraband. Petitioner has not been able to explain as to in what context he received the amount from the other accused. This plea that he (P) had received money from co-accused Ranjit Singh, as he had



helped his son Jashanpreet Singh, who had met with an accident at Patna, remains unsubstantiated. Further this plea was not taken by Jashanpreet Singh also. Judgment relied upon by learned counsel for the petitioner ***Jugraj Singh*** (supra) has been read carefully. The facts of the case in hand are quite distinguishable from the facts of the referred case.

Recovered contraband in the present case, admittedly, falls within the purview of 'Commercial Quantity'. Rigors of Section 37 of the NDPS Act are attracted.

Considering the nature and gravity of offence, the Court is of the opinion that the custodial interrogation of petitioner is needed to unearth the *modus operandi*, source of supply chain, as also who all are involved etc. Petitioner has, thus, not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extraordinary relief of pre-arrest bail.

6. The petition being devoid of merit, is hereby dismissed.

(AARADHNA SAWHNEY)
JUDGE

16.09.2025

Hemant

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