



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

106

CRM-M-51779-2025

Date of decision: 15th September, 2025

Harmanpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 44 dated 21.06.2024 registered under Section 21(C) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') (offence under Sections 29 and 27-A of NDPS Act added later on) at Police Station Sarai Amanat Khan, District Tarn Taran.

2. As per the allegations, 21.06.2024, a police party headed by ASI Satpal was passing through link road village Lahiya, when two persons riding on a bike were seeing coming from the opposite side. On seeing the police officials, the bike driver suddenly applied brakes and tried to turn back but in the process, both riders fell down. One of them tried to flee and



was seeing throwing a plastic bag held by him. Both of them were, however, apprehended. On asking, they disclosed their names as Jobanpreet Singh and Dilpreet Singh. The polythene bag thrown by the accused Dilpreet Singh was checked, it was containing 375 grams of *heroin* which was taken into possession. Both of them were formally arrested. They were interrogated and suffered disclosure statements on the basis of which, the present petitioner along with five more persons Varinder Singh, Davinder Pal Singh, Jodhbir Singh, Prabhjot Singh and Johny were nominated as co-accused. They also disclosed that the recovered contraband was transported from Pakistan via drone. On the basis of their disclosure statements, the petitioner along with the co-accused were nominated as accused. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Tarn Taran, which was dismissed vide order dated 30.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statements of co-accused which cannot be considered to be admissible in evidence. He is not involved in any other case under the provisions of NDPS Act. The co-accused Jodhbir Singh who is similarly situated has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. It is, therefore, urged that he deserves to be extended benefit of pre-arrest bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is



ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. The quantity of recovered contraband is commercial in nature. His custodial interrogation is required for conducting thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

7. The petitioner has been nominated as accused on the basis of disclosure statement of the co-accused Dilpreet Singh. Co-accused Jodhbir Singh whose case is on similar footing has since been extended benefit of pre-arrest bail. The rigors of Section 37 of NDPS Act are not *prima facie* attracted qua the petitioner. Keeping in view the above discussed facts but without meaning to make any comment upon the merits of the case, it is observed that the pre-trial incarceration of the petitioner is not required. It is also well settled that pre-trial incarceration should not be a replica of post-conviction. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of pre-arrest bail, subject to his surrendering before the Investigating/Arresting Officer within a period of ten days from today and joining investigation and then subsequently also as and when called upon by him and on his surrender within that period, he shall be released on bail by the Investigating Officer on furnishing bonds to his satisfaction and on the following conditions:-

- (i) He shall not leave the country without permission of the Court during investigation and till conclusion of trial and will surrender his passport (if any) before trial Court.



(ii) he 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/her from disclosing such facts to the Court or to any Police Officer.

(iii) he shall not commit any similar offence while on bail.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*

: *Yes / No*

2. *Whether reportable*

: *Yes / No*