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

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**CRM-M-58068-2024 (O&M)
Date of decision: 16.01.2025**

Harjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Naveen Sheoran, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, 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. 85 dated 09.06.2024, registered under Sections 15(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station STF Wing, District Bathinda.

2. Brief facts of the case relevant for the disposal of the present petition are that on 09.06.2024, co-accused Bunty and Bablu were apprehended by a police party, while they were travelling in a car bearing registration number PB-80-3745 and recovery of 54 kgs of poppy husk was effected from them. During the course of investigation, it was found that the said car was registered in the name of the present petitioner. On the basis of the same, the petitioner has been nominated in this case as an accused.

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Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Bathinda but the same had been dismissed, vide order dated 08.10.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot. Although, he is the registered owner of the said vehicle but he was not aware of the fact that co-accused had used the same for movement of the contraband. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with. The petitioner is ready to join the investigation. No recovery is to be effected from him. 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 Deputy Advocate General, Punjab has argued that a huge quantity of the contraband was recovered from the above named co-accused on 09.06.2024, while they were travelling in the aforesaid vehicle, which was found registered in the name of the present petitioner. The petitioner is a habitual offender and he is already involved in four cases under the NDPS Act, out of which, in one case he has been convicted. He is a drug peddler. His custodial interrogation is must 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 heard learned counsel for the parties at considerable length and have also perused the material placed on record.

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6. As per the allegations, co-accused Bunty and Bablu were apprehended by the police party on 09.06.2024 and recovery of 54 kgs. of poppy husk was effected from them. The quantity of the recovered contraband falls within the commercial quantity. During the course of investigation, it has been found that the car, in which the co-accused were travelling along with the contraband, was registered in the name of the present petitioner. The criminal antecedents of the petitioner are not clean as he is shown to be involved in multiple FIRs under the NDPS Act. A habitual offender is not entitled to get concession of pre-arrest bail. The custodial interrogation of the petitioner is required for proper investigation in the matter. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. 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. It has also to be seen that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. It is also a matter of discretion to grant or not to grant pre-arrest bail. 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 matter by

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the police. Accordingly, finding no merit, the petition is dismissed.

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.

16.01.2025

Wasim Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No