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

CRM-M-34228-2025
Decided on: 21.07.2025

Gaganpreet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Shivender, Advocate for
Mr. B.S. Bhalla, Advocate, for the petitioner.
Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.38 dated 30.04.2025, registered under Sections 21-C/23-C/29 of NDPS Act, at Police Station Sarai Amant Khan, District Tarn Taran.

2. Succinctly facts of the case are that the Police party while on patrolling on 30.04.2025, when reached at Cheema Turn T-Point Govindvind, they received a secret information. It was informed in the secret information that Gaganpreet Singh (petitioner) and his mother Rupinder Kaur are indulged in smuggling heroin by coordinating with their acquaintances from across the border. It was informed that a large quantity of heroin was delivered last night in the area of village Haveliya, which they had picked up during the night. It was also informed that if their house is raided, a large quantity of heroin could be recovered. On receiving the secret information, *Ruka* was sent and a raiding party was constituted. On raiding the house disclosed, 4.28 Kgs of heroin was recovered. The FIR was registered and the investigation commenced. Apprehending arrest, the



petitioner approached the Court of learned Additional Sessions Judge/ Judge Special Court, Tarn Taran, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 05.06.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that on the basis of false and frivolous secret information, the petitioner has been roped in the present case. He submits that no recovery is to be effected from the petitioner. He further submits that the petitioner has no criminal antecedents as he has not involved in any case. He submits that no *prima facie* case has been made out against the petitioner. He submits that the petitioner is ready to join the investigation, in case his prayer for grant of anticipatory bail is considered. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that a huge quantity of heroin i.e. 4.28 Kgs, has been recovered in the present case, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He submits that the petitioner is named in the secret information. He, thus, submits that no case for the grant of anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the



record, it is deciphered that the petitioner is specifically named in the secret information. On receiving the secret information, the Police raided the disclosed place and 4.28 kgs of heroin has been recovered, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted in the case. The contentions raised by counsel for the petitioner cannot be appreciated at this stage.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person 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 from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil**



Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it



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is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

21.07.2025
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No