



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

213

CRM-M-14710-2025  
Date of decision: 03.04.2025

Mahinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Kanisth Ganeriwala, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J.**

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.63 dated 21.05.2024 under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), Sections 25(6), 54, 59 of the Arms Act, 1959 and Sections 10, 11, 12 of the Anti-Aircraft Act, 1934, registered at Police Station Khalra, District Tarn Taran.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. Initially, a secret information was received by the police pertaining only to co-accused Jaswinder Singh. Co-accused Jaswinder Singh, upon his arrest, suffered multiple disclosure statements. However, in his first two statements, he did not name the petitioner. The petitioner was implicated for the first time only in the third disclosure statement



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recorded on 24.05.2024, 5 days after the arrest of co-accused Jaswinder Singh.

3. It has been further submitted that even in the third disclosure statement, no specific role or overt act was attributed to the petitioner. The allegations were vague and general in nature. Thereafter, in the fourth disclosure statement, recorded on 09.06.2024, of co-accused Jaswinder Singh, he merely alleged that all the accused, including the petitioner, had been smuggling contraband from across the border, without any particular details regarding the specific involvement of the petitioner. Learned counsel has asserted that the implication of the petitioner solely rests on the disclosure statements of the co-accused, which as per him hold minimal evidentiary value.

4. On a specific query by this Court regarding the antecedents of the petitioner, learned counsel for the petitioner has fairly conceded that the petitioner was previously convicted in a case under the NDPS Act and sentenced to imprisonment for 10 years. However, it is submitted that his sentence has since been suspended in that case.

5. On being put to notice, learned State counsel has filed status report by way of affidavit of Preet Inder Singh, PPS, Deputy Superintendent of Police, Sub division Bhikhiwind, District Tarn Taran, in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite, by drawing the



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attention of this Court to the affidavit which has been filed in the Court today and also the gravity of the allegations levelled against the petitioner. It has been argued that during the course of the investigation, co-accused Jaswinder Singh made a detailed disclosure statement on 09.06.2024, explicitly implicating the petitioner in smuggling narcotics and arms from across the border using drones. Furthermore, it came to light that the petitioner, along with other co-accused, was involved in concealing the smuggled contraband and subsequently selling a portion of the heroin, earning illicit proceeds to the tune of Rs.73 lakhs, which was stored in a concealed location.

7. Learned State counsel has further submitted that the petitioner is not a first time offender. He has already been convicted in another case under the NDPS Act and was serving a 10 year sentence when his sentence was suspended. Despite this, he has allegedly continued engaging in drug trafficking activities.

8. Learned State counsel has prayed that given the organised nature of the crime and the links of the petitioner with cross border traffickers, custodial interrogation is imperative to unearth the entire drug syndicate and its operational mechanism.

9. I have heard learned counsel for the parties and perused the relevant material on record.

10. The material on record *prima facie* indicates that the petitioner is not a mere bystander, but an active participant in an organised transnational, drug trafficking operation. While it is correct that no recovery has been effected from his direct possession, it is well



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settled that in cases under the NDPS Act, direct recovery cannot always be the sole criterion for determining culpability. The role attributed to an accused must be examined in the broader context of the case.

11. The disclosure statements of co-accused Jaswinder Singh, though not substantive evidence in themselves, gain relevance when considered in conjunction with the circumstances of the case. The specific allegations that the petitioner, along with others, facilitated the smuggling of contraband and arms from across the border through drones, and that he shared the illicit proceeds from the drug trade, indicate a deeper nexus with organised crime.

12. Furthermore, the antecedents of the petitioner weigh heavily against him. Having already been convicted in a case under the NDPS Act, the fact that he allegedly continued engaging in similar activities during the period when his sentence was suspended, demonstrates his persistent involvement in the illicit drug trade. The gravity of the allegations, coupled with criminal antecedents of the petitioner, does not entitle him to the extraordinary concession of anticipatory bail. Accordingly, the instant petition is hereby dismissed.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

**03.04.2025**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**

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