

**IN THE COURT OF SH. BIKRAMJIT SINGH, JUDGE, SPECIAL COURT,
BARNALA. (UID NO. PB0224)**

BA No.1786-2025

CNR No. PBBR01-004885-2025

Date of Institution : 23.10.2025

Decided on: 06.11.2025

**Harmanpreet Singh, son of Baldev Singh, resident of Patti Bura Dakha,
District Ludiana.**

.....Applicant

versus

State of Punjab

.....Respondent

FIR No.300 dated 05.07.2025

Under Sections 22, 29, NDPS Act, 1985

Police Station : City Barnala.

Bail application under Section 482, BNSS, 2023

Present: Sh. J. S. Dhaliwal, Advocate, for the applicant-accused-
Harmanpreet Singh.

Sh. Dilpreet Singh, Addl. PP for the State.

ORDER

This order of mine shall dispose of the above mentioned bail application moved by the applicant-accused-Hardeep Singh in the above noted case for grant of anticipatory bail under Section 482, BNSS, 2023 from this Court.

2. Notice of the bail application was issued to the respondent-State

and the learned Addl. PP for the State has put in appearance. Record of investigation summoned and received.

3. I have heard the learned Counsel for applicant-accused, learned Addl. PP for the State and also perused the record of the investigation.

4. As per the prosecution version, on 05.07.2025, Gian Singh ASI, along with the fewer other police officials, was present at Valmiki Chowk, Barnala for the purpose of patrolling and checking of suspicious persons. It was about 05:15 P. M., Gian Singh ASI received a tip-off to the effect that one Akashveer Singh, alias Babbal is indulged in selling intoxicant powder on higher prices after procuring the same from the outer State. Today also, he is roaming at Patti Road, walkway of drain to sell intoxicant powder. If a raid is conducted instantly, then, he can be apprehended red-handed.

Finding the information reliable, Gian Singh ASI sent a ruqa through Balwant Singh PHG to the Police Station City Barnala for the purpose of registration of an FIR under Section 21 of the NDPS Act, 1985 against Akashveer Singh, alias Babbal. Thereafter, Gian Singh ASI, along with a police party, reached near the drain through dirt road leads from Patti Link Road and spotted one person sitting there and rummaging a polythene bag. The person on seeing the police party got perplexed. The person was apprehended by the police party. The person upon enquiry identified himself as Akashveer Singh, alias Babbal (accused-non-applicant). After complying with mandatory provisions of the NDPS Act, 1985, the search of the polythene bag in the possession of accused-non-applicant-Akashveer Singh, alias Babbal, was got conducted, which resulted into recovery of intoxicant powder, 30 grams,

therefrom. The accused-non-applicant-Akashveer Singh, alias Babbal was arrested in the present case.

During the investigation, one Veena was nominated as an accused into the matter of the present FIR and the offence punishable under Section 29 of the NDPS Act, 1985 added to the FIR, vide G. D. No.39 dated 06.07.2025.

During the further investigation, one Harmanpreet Singh (applicant-accused) was arraigned as an accused into the matter of the present case, vide G. D. No.05 dated 07.07.2025.

The accused-non-applicant-Veena was arrested into the matter of the present case on dated 08.07.2025.

Upon interrogation of the accused-non-applicant-Veena during the investigation, one Mani Singh was arraigned as an accused into the matter of the present case, vide G. D. No.28 dated 09.07.2025. The accused-non-applicant-Mani Singh was arrested into the matter of the present case on dated 18.07.2025.

The applicant-accused-Harmanpreet Singh is yet to be arrested in the instant case.

Upon receiving the FSL report, the offence punishable under Section 21 of the NDPS Act, 1985 was deleted from the FIR and the offence punishable under Section 22 of the NDPS Act, 1985 was added to the FIR, vide G. D. No.59 dated 01.09.2025.

5. Learned Counsel for the applicant-accused has argued that applicant-accused is quite innocent person and has been falsely implicated in the present case. Prosecution allegations are false and concocted one. The

applicant-accused has been nominated as an accused on the basis of alleged disclosure of co accused which is not admissible qua him. He has further argued that the applicant-accused is not required for the purposes of custodial interrogation or any recovery. He has further argued that the applicant-accused is ready to join the investigation and has prayed for grant of anticipatory bail to the applicant-accused. In support of his contentions, the learned counsel has placed reliance upon the law laid down by the Apex Court in case of **Tofan Singh vs. State of Tamil Nadu, 2021 (4) SCC 1**.

6. On the other hand, the learned Additional Public Prosecutor has vehemently opposed the bail application on the ground of gravity and seriousness of the offences. He further argued that the custodial interrogation of the applicant-accused is required to unravel the truth, to know the source of contraband and investigation and a prayer for dismissal of bail application has thus, been made.

7. After giving thoughtful consideration to the rival contentions and after going through the record of the case, this Court is of the considered view that no ground for grant of anticipatory bail to the applicant-accused is made out. There are specific allegations against the applicant-accused about his involvement in the present case. The grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue. So far as the plea based upon the Tofan Singh (supra) is concerned, in view of the dictum of law laid down by the **Hon'ble Apex Court in State of Haryana vs. Samarth Kumar, 2022 (3) RCR (Criminal) 991**, the same cannot be considered at the time of consideration on pre arrest bail and

the said matter is to be appreciated only after taking evidence during trial. At this stage, it is too early to jump to any conclusion for the purpose of bail. Further, the custodial interrogation of the applicant-accused is required to unravel truth and investigation. In case, the benefit of anticipatory bail is granted to the applicant-accused, it will hamper the investigation also. Thus, keeping in view the facts and circumstances mentioned above, no exceptional circumstance for grant of anticipatory bail to the applicant-accused is made out and accordingly, the bail application is hereby dismissed. However, any observations made above would have no bearing on the merits of the case. Papers of this bail application be annexed with the connected file.

Pronounced in open Court on
06th day of November, 2025.

Gurdit Singh
JW Grade-II

(Bikramjit Singh),
Judge, Special Court,
Barnala
(UID No.PB0224)