

PBFD010056202025



Presented on : 22-09-2025
Registered on : 22-09-2025
Decided on : 29-09-2025
Duration : 0 years, 0 months, 7 days

**In the Court of Shri Dinesh Kumar Wadhwa,
Judge, Special Court, Faridkot (UID-PB0445).**

BA/1914/2025

Application for Anticipatory Bail

FIR No.89 dated 06.07.2025
U/S 21(c), 29 NDPS Act
Police Station Sadiq.

Harpreet Singh, age around 29 years, son of Mukhtar Singh, resident of village Naushehra Dhalla, Naushehra, District Tarntaran, Punjab.

Versus

State of Punjab

Present: Shri Mandeep Chanana, learned Advocate for the applicant/
accused
Shri S.K. Sachdeva, learned Additional Public Prosecutor for
the State.

ORDER
(Delivered on 29.09.2025)

1) The present application has been filed by aforesaid applicant/accused seeking anticipatory bail under Section 482 of BNSS, 2023 in the subject captioned FIR.

2) Notice of the bail application was issued to the State. Shri S.K. Sachdeva, learned Additional Public Prosecutor appeared to contest the bail application. Record has been requisitioned.

3) Shri Mandeep Chanana, learned Advocate for the applicant/accused has submitted that the latter has been falsely implicated in the present case. Nothing has been recovered from the applicant/accused and even nothing is to be recovered from him. The name of the applicant/accused does not figure in the first information report, but he was involved on the basis of confessional statement of co-accused during his police custody, which is not admissible as per law. The applicant is ready to join the investigation. With these submissions, he has prayed for the grant of concession of anticipatory bail to the accused/applicant

4) Per-contra, Shri S.K. Sachdeva, learned Additional Public Prosecutor for the State has stated that 258 grams heroin was recovered from co-accused Shamsher Singh, while 264 grams heroin was recovered from co-accused Gagandeep Singh and on the disclosure statement of co-accused, present applicant/accused Harpreet Singh along with co-accused Lovepreet Singh alias Love alias Katta was nominated under section 29 of the NDPS Act, vide DDR no.13 dated 08.07.2025. Custodial interrogation of the applicant is required to unearth the supply chain of the contraband. With these submissions, he has prayed for dismissal of the bail application.

5) I have heard rival contentions of both the sides and perused the record.

6) The prosecution case in brief is that on 06.07.2025, ASI Harjinder Singh along with other police officials was present in Grain market, Sadiq in connection with patrolling duty and checking of

suspects. At around 08:10 PM, two persons were found standing near the wall of grain market. On suspicion, they were apprehended and during search, 258 grams heroin was recovered from co-accused Shamsher Singh and 264 grams heroin was recovered from co-accused Gagandeep Singh. During interrogation, accused Harpreet Singh (applicant) along with co-accused Lovepreet Singh alias Love alias Katta was nominated and vide DDR no.13 dated 08.07.2025, offence under section 29 of the NDPS Act was enhanced.

7) It is the arguments of learned counsel for the applicant that the disclosure statement given by the co-accused is not admissible as per law laid down in the judgment titled as *Toofan Singh Vs. State of Tamil Nadu 2021(4)-SCC*. However, I do not find merit in the aforesaid arguments. Recently, Hon'ble Supreme Court in case titled as *State of Haryana Vs. Samrath Kumar 2022 Live Law (SC) 622 CRA 1005-1006 2022, decided on 20th July, 2022* has observed that accused under NDPS Act may be able to take advantage of *Toofan Singh's* judgment at the time of arguing the regular bail application or at the time of final hearing after the conclusion of the trial. This clearly shows that accused cannot take advantage of *Toofan Singh's* judgment in the anticipatory bail application. There is force in the arguments of learned Additional Public Prosecutor for the State that custodial interrogation of the applicant/accused is required to ascertain the modus operandi of the crime and identification of other accused involved in the supply chain of narcotics.

8) Hence, no case is made out for grant of anticipatory bail. As such, the present bail application stands dismissed. File be attached with pending remand papers.

Pronounced in the Open Court:
Dated 29.09.2025.

(Dinesh Kumar Wadhwa),
Judge, Special Court,
Faridkot (UID:PB-0445).

Sneh Lata
Stenographer Grade-I

Harpreet Singh vs. State

Present: Shri Mandeep Chanana, learned Advocate for the applicant/
accused.
Shri S.K. Sachdeva, learned Additional Public Prosecutor for
the State.

Record received. Arguments heard. Vide my separate detailed
order of even date, bail application filed by applicant/accused has been
dismissed, as detailed therein. Bail application file be tagged with the
pending remand papers.

Pronounced in the Open Court:
Dated 29.09.2025.

(Dinesh Kumar Wadhwa),
Judge, Special Court,
Faridkot (UID:PB-0445).

Sneh Lata
Stenographer Grade-I