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CRM-M-20369-2026

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

230

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Date of decision: 21.04.2026

GULAB SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Navyuggeet Brar, Advocate for
Mr. Jashandeep Singh, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

RUPINDERJIT CHAHAL, J. (ORAL)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail in case FIR No.229 dated 23.12.2025 registered under Section 18(a) of NDPS Act, 1985 and Section 52 of Prisons Act, 1894 at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1).

2. Brief facts of the case are that the petitioner was apprehended with 02 grams opium while he was in jail. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said incident. He submits that the prosecution story highly improbable as it is unbelievable as to how a person lodged in jail under strict surveillance would possess any contraband. He further submits that the alleged recovery is stated to be effected on 21.05.2025, whereas the FIR in the present case in lodged on 23.12.2025 i.e. after a delay of more than 07 months, which



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creates doubt on the veracity of the prosecution story. He further submits that the alleged recovery falls under small quantity as per the NDPS Act. He submits that nothing is to be recovered from the petitioner. He further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Thus, it is prayed that the present petition be allowed.

4. Learned State counsel has filed status report in the matter and relying upon the same opposes the prayer for anticipatory bail and submits that the offence committed by the petitioner is serious in nature. She further submits that the petitioner was found in conscious possession of 02 grams opium while being lodged in jail, which is a matter of serious concern. The possibility of involvement of other jail inmates and officials cannot be ruled out. She submits that the custodial interrogation of the petitioner is essential to bring the investigation at its logical end. Thus, she prays that the present petitioner does not deserve any concession from this Court.

5. Heard.

6. After hearing learned counsel for the parties and upon perusal of the record, this Court is of the considered view that the allegations levelled against the petitioner are serious and grave in nature. The recovery of a narcotic substance from an inmate lodged in jail directly impacts the discipline, security and orderly administration of the prison system. Instances of contraband being recovered from jail premises have become a matter of serious concern, as they frustrate the reformatory object of incarceration and reflect the possibility of unlawful networks operating within custodial institutions. Such allegations, therefore, cannot be treated



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lightly. The contention raised on behalf of the petitioner that the quantity involved is small or that he was already in custody at the relevant time does not, at this stage, lessen the gravity of the matter. On the contrary, the circumstances warrant a thorough investigation to ascertain the source through which the contraband entered the jail premises and to identify the involvement of any other inmates or officials, if any. For the said purpose, custodial interrogation of the petitioner appears necessary for carrying the investigation to its logical conclusion. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

7. In view of the nature of accusations and the larger ramifications involved, this Court does not find it a fit case for grant of anticipatory bail. Accordingly, the present petition stands dismissed.

8. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

21.04.2026

Mohit Bishnoi

(RUPINDERJIT CHAHAL)
JUDGE

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No