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CRM-M-20005 of 2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20005 of 2025
Date of Decision: 22.09.2025

Robert Masih

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Ravinder Singh, DAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.53 dated 24.09.2024 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on), at Police Station Narot Jaimal Singh, District Pathankot.

2. Brief facts as per the prosecution case are that co-accused Harjit Singh alias Jeeta, who was in custody in FIR No.51 dated 18.09.2024 under Sections 3 and 4 of Official Secrets Act, 1923, Sections 10, 11, 12 of Aircraft Act, 1934 and Sections 21 and 27-A of the NDPS Act, was interrogated in the case, who disclosed to the police that one Sukhdeep Singh alias Gudha involved him into smuggling of drugs. Thereafter, he disclosed to the police that the consignment was supplied from Pakistan



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through drone and one Robert Masih (petitioner) used to give them money for the same. Initially, the FIR in question was registered against the said co-accused Harjit Singh alias Jeeta.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that neither the petitioner was named in the FIR nor has any concern with the said offence. It has also been contended that the petitioner has been nominated as an accused only on the basis of the disclosure statement made by co-accused Harjit Singh alias Jeeta. No recovery is to be effected from the petitioner. Learned counsel has 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.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Judge, Special Court, Pathankot, vide order dated 15.01.2025.

5. On the other hand, learned State counsel while referring to the status report, has opposed the prayer for grant of anticipatory bail, by submitting that the allegations levelled against the petitioner are serious in nature. He argued that commercial quantity of heroin has been recovered from co-accused which was being transported from across the border from Pakistan through drone and the petitioner was the person to whom the heroin was being supplied. He further argued that as per the investigation till date,



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the petitioner is found to be member of drug nexus who smuggled heroin from Pakistan by using drones. He further argued that custodial interrogation of the petitioner is required to enquire about his role in the drug nexus and also in order to recover the drones, mobile devices, SIM cards, bank accounts etc. to unearth the drug nexus. He further argued that the present petitioner is declared a proclaimed offender on 19.05.2025. He further submits that the petitioner is involved in multiple other cases meaning thereby he is a habitual offender. Hence, he prays for dismissal of the petition.

6. In the present case, the allegations against the petitioner are serious in nature. As per the prosecution, the contraband i.e. heroin which was recovered from co-accused Harjit Singh alias Jeeta was to be supplied to the present petitioner and the same was received from across the border from Pakistan through drone. The present petitioner is alleged to be mastermind of drugs supply chain from Pakistan and as per the investigation till date, the petitioner is found to be member of drug nexus who smuggled heroin from Pakistan by using drones.

7. There is steady increase in cross border smuggling of illicit drugs through drones these days. The increasing instances of drug smuggling through drones in India from across the border i.e. Pakistan pose a grave threat not only to the security of the nation but also impacts the youth of the nation. The present petitioner is also declared proclaimed offender and there are number of other cases pending against him. Considering the gravity of the allegations, the custodial interrogation of the petitioner is required for fair and effective investigation in the matter.



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8. 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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of



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the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.

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

22.09.2025
D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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