



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-40938-2024

Date of Decision : **September 25, 2024**

YADHUN

.....Petitioner

**VERSUS**

STATE OF PUNJAB

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Rakesh Sobti, Advocate and  
Mr. Malik Sobti, Advocate  
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

**KULDEEP TIWARI, J. (Oral)**

1. On 23.08.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.40 dated 01.05.2023, under Sections 21(c)/29/61/85 of the N.D.P.S. Act, registered at *P.S. Sarai Amant Khan, District Tarn Taran.*

2. *Succinctly stated, the case of the prosecution is that, a police party spotted three persons riding on a motorcycle, out of whom, two persons namely Malkeet Singh and Ajaypal Singh were arrested and 750 grams of heroin was recovered from*



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*them, whereas, the third person namely Vishaldeep Singh, who was driving the said motorcycle, fled away from the spot. Vishaldeep Singh was arrested on 19.09.2023, whereupon, he made a disclosure/confession on 20.09.2023 that, one Vijay took away one pistol 32 bore and 04 live cartridges from him. However, on the next day, i.e. 21.09.2023, said Vishaldeep Singh resiled from his above made disclosure/confessional statement and made a new disclosure/confession that, actually he had handed over the said pistol 32 bore and 01 live cartridge to his cousin (present petitioner). On the basis of this confession/disclosure statement, the petitioner has been arrayed as an accused in the present FIR.*

*3. The learned counsel for the petitioner submits that the petitioner is working as driver in a milk plant and he has clean antecedents. He has been arrayed as an accused merely on the basis of disclosure statement of co-accused, probative value whereof is yet to be ascertained by the learned trial Court concerned.*

*4. The learned counsel for the petitioner further submits that, even as per the prosecution version, neither the petitioner was carrying the allegedly recovered contraband, nor he was involved in transportation thereof, rather the only allegation against him is that, the main accused handed over some cash, a pistol and a cartridge to him.*

*5. Notice of motion for 25.09.2024.*



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*6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

*7. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”*

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 23.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be



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confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

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**(KULDEEP TIWARI)**  
**JUDGE**

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No