



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-46433-2024 (O&M)
Date of Decision: 13.11.2024

ARSHDEEP SINGH ALIAS ARSH
VERSUS
STATE OF PUNJAB
....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Kushagra Mahajan, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
56	10.08.2024	P.S. Sarai Amant Khan, District Tarn Taran	18(b) of Narcotic Drugs & Psychotropic Substances Act, 1985 & Section 25 of Arms Act

2. Vide order dated 18.09.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 18.09.2024 is reproduced as under:-

“The instant petition has been filed by the petitioner seeking pre arrest bail in case arising out of FIR No.56 dated 10.08.2024 registered under Section 18(b) of NDPS Act, 1985 and Section 25 of Arms Act, 1959 at Police Station Sarai Amant Khan, District Tarn Taran on the allegations that on



10.08.2024, a Police party was present at Defence Drain Bridge at Naushera Dhala in connection with patrolling duty when two persons were found coming from village Bhaini Rajputa. On seeing the Police officials, they became perplexed and at once turned their back. They were apprehended on suspicion. On asking, they disclosed their names and particulars. One of them namely, Paramjit Singh @ Pamma threw a polythene bag kept on the ground. The same was checked and opium weighing about 527 grams was found in the same. On conducting search of the accused Paramjit Singh @ Pamma, a .32 bore pistol along with one magazine was recovered from his custody for which he could not produce any licence. During the course of investigation, the accused Paramjit Singh @ Pamma suffered disclosure statement to the effect that the recovered pistol was given to him by the present petitioner, on the basis of which, present petitioner was nominated as an accused. Investigation proceedings are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which was dismissed by learned Additional Sessions Judge, Tarn Taran vide order dated 28.08.2024.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case on the basis of disclosure statement of accused which cannot be consider to be admissible in evidence. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, submits that the custodial interrogation of the petitioner is required for conducting thorough investigation of the matter as well as for the purpose of eliciting the



information about the main source from which the petitioner had procured the pistol which was recovered from the accused. He seeks time for filing status report.

Adjourned to 13.11.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS.”

3. Learned State counsel has filed status report dated 11.11.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 23.09.2024. No recovery has been effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 18.09.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

13.11.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |