



CRM-M-26-2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

232 CRM-M-26-2025 (O&M)
Date of Decision: 07.02.2025

RohitPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S. K. Gupta, Advocate, for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (wrongly mentioned as
582 of BNSS) seeking anticipatory bail in FIR No.71 dated 30.11.2024
under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985
(for short 'NDPS Act') and Section 29 of NDPS Act (added later on),
registered at Police Station Kahnuwan, District Gurdaspur.

2. On 07.01.2025, the following order was passed:-

“XX XX XX XX

*Learned counsel for the petitioner, inter alia, contends that
the petitioner is not named in the FIR (supra) and no recovery has been
effected from his conscious possession. The petitioner has been
nominated as accused only on the basis of disclosure statement made
by co-accused while he was in police custody. Learned counsel for the
petitioner relies upon judgments of the Hon'ble Supreme Court in
Union of India Vs. Bal Mukand, 2009 (2) RCR (Crl.) 574 and Tofan
Singh Vs. State of Tamil Nadu, 2021 (1) RCR (Crl.) 1 and submits that
any statement made by the accused before the police officer under
Section 67 of NDPS Act is hit by the provisions of Section 25 of
Evidence Act and the same cannot be taken into consideration. Learned*



counsel for the petitioner further contends that the petitioner is not involved in any other case under NDPS Act and recovery from co-accused is non-commercial.

Notice of motion for 07.02.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS [erstwhile Section 438(2) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')]]

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from ASI Yashpal Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 07.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).



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5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

07.02.2025
anil

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