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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4883-2025

Date of decision: 28.02.2025

Jagmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.0098 dated 23.05.2022 under Sections 21(b)/29 of the NDPS Act No.61 of
1985 registered at Police Station Special Task Force, District STF Wing SAS
Nagar, Phase 4, Mohali.

On 29.01.2025, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking
anticipatory bail in FIR No.98 dated 23.05.2022 under Section 21(b)
& 29 of Narcotic Drugs and Psychotropic Substances Act No.61 of
1985 (for short 'NDPS Act'), registered at Police Station Special Task
Force, District STF Wing, SAS Nagar, Phase-4, Mohali.*

*Learned counsel for the petitioner, inter alia, contends that
admittedly, 35 grams heroin was recovered from conscious and
exclusive possession of co-accused Gurmeet Singh @ Lucky, which
does not fall within the ambit of commercial quantity. The petitioner
has been implicated in FIR (supra) only on the basis of disclosure
statement made by co-accused while in police custody and it is trite
law that any statement made by co-accused before the police official*



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under Section 67 of NDPS Act is hit by the provisions of Section 25 of Indian Evidence Act, 1872 (now Section 23(1) of Bharatiya Sakshya Adhiniyam, 2023). The petitioner is having clean antecedents and he is not involved in any other case.

Notice of motion for 28.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, 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).*

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.'

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

In view of the statement of learned State counsel, order dated 29.01.2025 is hereby made absolute. The petitioner shall abide by the terms and



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conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.02.2025

Neha

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