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

CRM-M-6628-2025

Date of decision: 26.05.2025

Bharat

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of BNSS (earlier Section 438 Cr.P.C.) seeking anticipatory bail in case bearing FIR No.657 dated 25.09.2024 (Annexure P-1) under Sections 20/29 of the NDPS Act registered at Police Station Chandnibagh, District Panipat (Annexure P-1).

On 05.02.2025, 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.657 dated 25.09.2024 under Sections 20 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chandni Bagh, District Panipat.

Learned counsel for the petitioner, inter alia, contends that nothing has been recovered from the conscious and exclusive possession of the petitioner. Admittedly, 946 grams of ganja was recovered from co-ccused and the petitioner has been nominated in the FIR (supra) only on the basis of disclosure statement made by co-accused while he was in police custody. As such, the confessional statement recorded by co-accused before the police official in police custody is hit by the provisions of Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023 and the same has no evidentiary value in the eyes of law.

Notice of motion for 04.03.2025.

*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



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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. '

The learned State counsel has filed affidavit of Sh. Bhupender Singh, IPS, Superintendent of Police, Panipat, in the Court today and the same is taken on record.

Learned State counsel on instructions from SI Rajender 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 05.02.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025

Neha

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