



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-9116-2025 (O&M)

Date of decision: 17.03.2025

Balwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023 (wrongly mentioned as BNS), seeking anticipatory bail in case FIR No.03 dated 16.01.2025 under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ghuman, Batala, District Gurdaspur.

2. On 18.02.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that admittedly, the intoxicant substance has been recovered from the conscious and exclusive possession of co-accused. The petitioner has been nominated as accused only on the basis of disclosure statement made by co-accused before the police while in police custody. Such statement made by co-accused before the police in police custody is not admissible in evidence, as the same is hit by Section 25 of Indian Evidence Act, 1872 (now Section



23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023). It is further contended that similarly situated co-accused namely Ashdeep Singh has already been granted the concession of ad interim anticipatory bail by this Court vide order dated 15.02.2025 passed in CRM-M-8711-2025.

Notice of motion for 17.03.2025.

To be listed along with **CRM-M-8711-2025**.

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.”

3. Learned State counsel, on instructions from ASI Bhupinder 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 18.02.2025 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*).
5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

17.03.2025
yakub

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