



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
213

CRM-M-9656-2025 (O&M)
Date of decision: 20.03.2025

Sombir Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.P.S. Sandhu, Advocate
for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail in FIR No.174 dated 10.11.2024 under Sections 21 & 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985, registered at
Police Station STF, SAS Nagar.

2. On 19.02.2025, the following order was passed:-

“XX XX XX XX
*Learned counsel for the petitioner, inter alia,
contends that admittedly, the alleged contraband was
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, which
has no evidentiary value in the eyes of law, as the same is
hit by Section 25 of Indian Evidence Act, 1872 (now
Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023).*



The petitioner is having clean antecedents and he is not involved in any other case.

Notice of motion for 20.03.2025.

*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 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 SI Makhan 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 19.02.2025 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

20.03.2025
yakub

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