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

CRM-M-9980-2025

Date of decision: 21.03.2025

Jasvir Singh

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of BNSS, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.254 dated 25.12.2024 under Section 18 of the NDPS Act registered at Police Station Sadar Nabha (Annexure P-1).

On 21.02.2025, 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.254 dated 25.12.2024 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner, inter alia, contends that as per the case set up by the prosecution, nothing has been recovered from the conscious and exclusive possession of the petitioner. The petitioner was not apprehended at the spot, as such, his identity and his involvement are debatable issues, which are to be considered during the course of trial. Further, CCTV footage clearly indicates that the petitioner has been falsely implicated in the present case at the instance of his estranged brother, who was seen leading the police party to the petitioner's house. The petitioner is not involved in any other case. Moreover, the opium allegedly recovered from house of the petitioner does not fall within the ambit of commercial quantity.

Notice of motion for 21.03.2025.

*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*



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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 Gurcharan 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 21.02.2025 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

21.03.2025

Neha

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