



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12347-2025
Date of decision: 28.10.2025

SANDEEP SINGH ALIAS SUNDEEP SINGHPetitioner

Versus

STATE OF PUNJABRespondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Amit Shukla, DAG Punjab.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”), the petitioner seeks anticipatory bail in case FIR No.17 dated 09.02.2025 under Section 27 of the NDPS Act (Section 29 of NDPS Act added later on) registered at Police Station Boha, District Mansa.

2. On 05.03.2025, following order had been passed: -

“ The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.17, dated 09.02.2025, under Section 27 of NDPS Act but during investigation Section 29 of NDPS Act added later on, registered at Police Station Boha, District Mansa.

Learned counsel for the petitioner contends that the petitioner has been dragged in the instant FIR merely on the disclosure statement alleged to have been made by co-accused Satpal Singh despite having no material to connect him with the present petitioner. The attention of this Court has been drawn by



learned counsel for the petitioner to the fact that co-accused namely Satpal Singh was apprehended by villagers for consuming an intoxicating substance and was subsequently taken to the civil hospital and after getting the dopes test done, he was found positive. It was during this time, based on his disclosure statement that he mentioned to have received 2 ml of heroin from the present petitioner. However, the petitioner has been named as an accused even though no recovery has been made from him.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and submits that after co-accused namely Satpal Singh was found positive in dope test, the petitioner's name was included in the present FIR as an accused under Section 29 of NDPS Act based on his disclosure statement. However, no recovery has been made either from the petitioner or any of the other coaccused persons named in the instant FIR.

Be that as it may, the case is of glaring example in itself of false implication especially in the manner in which alleged disclosure statement has been highlighted to implicate the present petitioner with the allegation of supplying 02 ml of heroin to co-accused namely Satpal Singh though there is no incriminating material to connect him with the co-accused namely Satpal Singh who was found positive in dope test.

In view of the above, the petitioner is directed to be released on interim bail subject to his joining investigation and reporting to the Investigating Officer concerned within one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced hereinbelow:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*



(iv) such other condition as may be imposed under subsection (3) of section 480, as if the bail were granted under that section.'

In addition to above, the State of Punjab is called upon to file an affidavit as to whether there is any welfare policy or scheme in existence qua such drug addicts like Satpal Singh and whether he was admitted to any deaddiction centre for treatment or to any rehabilitation centre after he was found positive in dope test especially in the light of fact that the villagers having caught him being aggrieved of Satpal Singh's behaviour being a drug addict.

Adjourned to 19.03.2025."

3. Learned counsel for the petitioner submits that in compliance of the order dated 05.03.2025 passed by this Court, the petitioner has joined the investigation. He has further argued that there is no connection between the petitioner and co-accused and the petitioner is sought to be implicated only on the basis of disclosure statement.

4. Learned counsel for the State, on instructions from S.I. Sukhwinder Singh, has submitted that the petitioner has joined the investigation and is no longer required for further investigation. He has further submitted that since the FIR in question is under the NDPS Act of 1985, the petitioner ought not to be extended the concession of anticipatory bail. However, he could not controvert the fact that except the disclosure statement of co-accused nothing is there to connect the petitioner with the recovered contraband.

5. I have heard learned counsel for the rival parties and perused the available record.

6. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as '**Tofan Singh vs.**

"155. We answer the reference by stating: (i) That the officers who are invested with powers under section 53 of the NDPS Act are "police officers within the meaning of section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act (ii) That a statement recorded under section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS ACT".

8. The Hon'ble Supreme Court while dealing with a plea for grant of anticipatory bail in a case under NDPS Act, 1985; in a judgment titled as '*Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s)1266/2023 decided on 17.05.2023*' has held as under:

"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on



anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed. All pending applications are disposed of."

9. The petitioner is sought to be arrayed solely on the basis of disclosure statement of the co-accused. Suffice to say there is no other material available to connect the petitioner with the recovered contraband. The veracity of the disclosure statement made by the co-accused will be subject to comprehensive scrutiny during the course of the trial and same cannot be a ground to decline the concession of anticipatory bail to the petitioner especially when he has joined the investigation in terms of interim protection granted by this Court.
10. In view of the above, the interim order dated 05.03.2025 is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 482(2) of the BNSS.
11. Needless to say anything observed herein above shall not be construed to be an opinion on the merits of the case.

28.10.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |