



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

235

CRM-M-15112-2025 (O&M)
Date of decision: 21.04.2025

Gogi
State of Punjab
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. L.S. Mann, 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, seeking anticipatory bail in case FIR No.39 dated 24.02.2025 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib.

2. On 20.03.2025, the following order was passed:-

“XX XX XX XX
*Learned counsel for the petitioner relies upon a judgment passed by this Court in CRM-M-60671-2024 titled as **Kuldeep Singh @ Keepa Vs. State of Punjab**, decided on 18.12.2024 (Annexure P-5) and submits that the contraband allegedly recovered from possession of co-accused falls within the ambit of small quantity, for which maximum punishment is upto 01 year and it is triable by the Magistrate. Further, the petitioner has been nominated as accused only on the basis of disclosure statement made*



by co-accused before the police during his custodial interrogation, which has no evidentiary value in the eyes of law, as the same would be hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023).

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and submits that Section 29 of NDPS Act and Section 111 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') have been added in the FIR (supra).

Learned counsel for the petitioner undertakes to move an appropriate application for addition of Section 29 of NDPS Act and Section 111 of BNS, which have been added later on.

Adjourned to 21.04.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, 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, she 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 Jaspal 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 20.03.2025 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

21.04.2025
yakub

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