

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-17694-2025 (O&M)

Date of Decision: 30.04.2025

RANJIT SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kanisth Ganeriwala, Advocate
for the petitioner
Mr. Sandeep Kumar, DAG Punjab.
Mr. Mitul Singh Rana, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.103 dated 02.03.2025 under Sections 18 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (wrongly mentioned as BNSS), registered at Police Station Zirakpur, District SAS Nagar.
2. On 01.04.2025, 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.103 dated 02.03.2025 under Sections 18 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (wrongly mentioned as BNSS), registered at Police Station Zirakpur, District SAS Nagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and as per the case set up by the prosecution, the alleged contraband was recovered from the conscious and exclusive possession of his son. The prosecution has tried to connect the petitioner with the alleged offence on the allegations that he has transferred certain amount in the account of Santosh Kumar on asking of his son that he met with



an accident and to effect a compromise, Rs.1.80 lakh were paid to Santosh Kumar. The entire case of the prosecution against the petitioner hinges upon the disclosure statement made by co-accused while he was 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 is not involved in any other case.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. He opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the alleged contraband has been recovered from the car owned by the petitioner and he has been nominated as accused on the basis of disclosure statement made by his son. It is further submitted that in the head note and prayer clause, instead of Section 111 of BNS, Section 111 of BNSS has been mentioned.

*Learned counsel for the petitioner undertakes to move an appropriate application for amendment of the head note and prayer clause. Adjourned to 30.04.2025. 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 Jaswant Singh, submits that in compliance of order dated 01.04.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 01.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.

5. The petition is accordingly disposed of.

30.04.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>