



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

CRM-M-21987-2025
Date of decision: 23.05.2025

AVTAR SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Sandeep Kumar, Advocate and

Present: Mr. Sahil Nain, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

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.31 dated 09.03.2025 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act and Section 111 of the Bharatiya Nyaya Sanhita, 2023 were added later on), registered at Police Station Hariana, District Hoshiarpur.

2. On 28.04.2025, 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.31 dated 09.03.2025 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act and Section 111 of the Bharatiya Nyaya Sanhita, 2023 were added later on), registered at Police Station Hariana, District Hoshiarpur.

Learned counsel for the petitioner, inter alia, contends that 57 grams of narcotic substance has been recovered from the possession of coaccused Ramneek Singh @ Meeku. It is yet to be established whether the



offence under Section 22 of NDPS Act can be invoked or not and the same would be established after receipt of FSL report. Further, the petitioner has been nominated in the FIR (supra) on the basis of disclosure statement made by co-accused Ramneek Singh @ Meeku during his custodial interrogation, 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). Although the petitioner is involved in other cases, but none of those cases are under the provisions of NDPS Act.

Notice of motion for 23.05.2025.

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.

In view of the ratio of law laid down by Hon'ble Supreme Court in Prabhakar Tiwari Vs. State of UP and anr., 2020(1) RCR (Criminal) 831 and Maulana Mohd.



Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

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 Varinder Singh, submits that in compliance of order dated 28.04.2025 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 28.04.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 23, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No