



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
219

CRM-M-23113-2025
Date of decision: 05.08.2025

Kirpal Singh Nayak
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lalit Goyal, 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.11 dated 09.01.2025, registered under Sections 21, 21-C, 29 of the NDPS Act, at Police Station STF, District S.A.S. Nagar (Mohali).

2. On 03.07.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner inter alia contends that the petitioner is neither named in the FIR (supra) nor any contraband was recovered from his conscious possession. Admittedly, the alleged contraband was recovered from the co-accused Gurpreet Singh, who is the brother-in-law of the petitioner and the petitioner has been nominated as an accused only on the basis of disclosure statement made by co-accused during his custodial interrogation, which has no evidentiary value in



the eyes of law. The petitioner is having clean antecedents and is not involved in any other case.

Adjourned to 05.08.2025.

*In the meantime, keeping in view the 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 the Investigating Officer within two weeks from today and on doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."



- 3. Learned State counsel, on instructions from ASI Bhupinder 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 03.07.2025 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

05.08.2025
yakub

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