

CRM-M-25067-2025

CRM-M-25070-2025

...RESPONDENT

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

“Both these petitions have been preferred under



Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to petitioners Dalbir Singh and Rajjat Singh, in FIR No.18 dated 21.03.2025 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25 & 27 of Arms Act, 1959, registered at Police Station Kacha Pacca, District Tarn Taran.

Learned counsel for the petitioner(s), inter alia, contends that nothing has been recovered from the conscious possession of the petitioners and they were not named in the FIR (supra). The petitioners have been nominated as accused merely on the basis of disclosure statement made by coaccused Surjit Singh @ Akash 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). Further, the petitioners are having clean antecedents and they are not involved in any other case.

Notice of motion for 28.05.2025.

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 petitioners are 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 petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will 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 petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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. Photocopy of this order be placed on the file of connected case.”

4. Learned State counsel, on instructions from SI Simarjit Kaur, submits that in compliance of order dated 08.05.2025 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.
5. Keeping in view the statement made by learned State Counsel, the order dated 08.05.2025, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)
6. The petition is accordingly disposed of.
7. 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.
8. A photocopy of this order be placed on the file of other connected case.

May 28, 2025
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(HARPREET SINGH BRAR)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No

Yes/No