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

CRM-M-35395-2025

Date of decision: August 20, 2025

Gurwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:** Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner in case FIR No.69 dated 05.06.2025, registered for offences punishable under Sections 21(b)/ 29 of NDPS Act, at Police Station Dhariwal, District Gurdaspur.

2. On 21.07.2025, the following order was passed:

“Apprehending his arrest in FIR No.69 dated 05.06.2025 registered for offences punishable under Sections 21(b)/ 29 of NDPS Act at Police Station Dhariwal, District Gurdaspur; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

*Inter alia, contends that the petitioner is sought to be implicated into the FIR in question solely on the basis of a disclosure statement made by co-accused from whom the contraband in question has been allegedly recovered & the petitioner is willing to join investigation and cooperate therein. Learned counsel for the petitioner has further submitted that, though, the petitioner is said to be involved in another NDPS case FIR, but the petitioner is sought to be arraigned in the said FIR only on the basis of disclosure, which was not to the knowledge of the petitioner. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in '**Vijay Singh versus The State of Haryana**' bearing **Special Leave to Appeal (Crl.)***



No(s).1266/2023, 'State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr' 2022(1) RCR (Criminal) 762, 'Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592 and 'Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 290.

Adjourned to 20.08.2025.

The petitioner is directed to appear before the Investigating Officer on 28.07.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023."

3. Learned State counsel (on instructions) has submitted that pursuant to the order dated 21.07.2025, the petitioner has joined investigation, and his custodial interrogation is not required.

4. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined investigation, he is not required for custodial interrogation, and he being arrayed as an accused on the basis of disclosure statement, this Court is inclined to confirm the order dated 21.07.2025, in light of the dicta of judgment passed by this Court in ***CRM-M-54032-2024 'Ashu Vs. State of Punjab'***.

5. Accordingly, the petition is allowed, and the order dated 21.07.2025 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.



7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

August 20, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No