



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-56317-2025
Date of decision: 03.12.2025

GURDEV SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ruhani Chadha, Advocate with
Mr. Keshav Chadha, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab
assisted by SI Avi Bansal.

YASHVIR SINGH RATHOR. J.(Oral)

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.179 dated 09.08.2025 registered at Police Station City Moga, District Moga under Sections 21 of NDPS Act (Section 29 of NDPS Act added later on).

2. On 13.10.2025, following order was passed:-

“Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.179 dated 09.08.2025 registered at Police Station City Moga, District Moga under Sections 21 of NDPS Act (Section 29 of NDPS Act added later on).

Notice of motion. Mr. G.S. Dhaliwal, AAG, Punjab, has appeared and accepts notice on behalf of the State. Both the parties have been heard and material collected by the police during investigation has been perused.

Brief facts of the prosecution case are that on 09.08.2025, on the basis of secret information, one Sukhpal Singh @ Sukha was apprehended by the police party headed by SI Jarnail Singh and 265



- 2-

grams of heroin was recovered from him. During the interrogation, co-accused Sukhpal Singh @ Sukha disclosed the name of the petitioner-Gurdev Singh to be the supplier. Apprehending arrest, the petitioner applied for anticipatory bail, which has been dismissed by the trial Court vide order dated 24.09.2025 (Annexure P-2).

*Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case. The disclosure statement of co-accused Sukhpal Singh @ Sukha, whereby he has been nominated as an accused is inadmissible in evidence and cannot be looked into. There is no other material to connect the petitioner with the alleged offence and disclosure statement alone cannot be made the basis to deny the benefit of anticipatory bail. Learned counsel next contended that petitioner is ready to join the investigation and he will abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour. In support of his contentions, learned counsel has cited the Judgment reported as Law Finder Doc.id# 2687409, 2025:NCPHHC:2121 titled as “**Sahil Joshi Vs. State of Punjab**” and order dated 20.08.2025 passed by Hon’ble Supreme Court in Criminal Appeal No.3640/2025 @ SLP (Crl) No.9190/2025 titled as ‘**Jugraj Singh Vs. State of Punjab**’. Learned counsel also placed on file the order dated 03.04.2025 passed by a Co-ordinate Bench of this Court in CRM-M-18403-2025 in the aforesaid case vide which bail application of aforesaid Jugraj Singh was rejected.*

On the other hand, learned State counsel has opposed the prayer and argued that the name of the petitioner has emerged during investigation and disclosure statement of co-accused Sukhpal Singh @ Sukha has pointed towards his role in the present offence indicating his involvement in the illicit drug network and as such, his custodial interrogation is essential to trace the source from where the contraband was arranged and other links of supply and petitioner does not deserve anticipatory bail.

Admittedly, no recovery has been effected from the petitioner and his name has cropped up in the disclosure statement of co-accused Sukhpal Singh @ Sukha, from whom the alleged contraband was



- 3-

*recovered. At this stage, there is no other material against the petitioner except disclosure statement of co-accused Sukhpal Singh @ Sukha. There are no call details between the petitioner and the co-accused to point out towards his involvement. In **Jugraj Singh's case (supra)**, 5kg heroin was recovered along with a sum of Rs.17.50 lakh drug money and main accused had nominated said Jugraj Singh as the supplier and the Hon'ble Supreme Court had ordered his release on anticipatory bail observing that mere disclosure statement is not sufficient to connect him with the alleged offence. As such, it is a fit case wherein benefit of anticipatory bail should be extended.*

*Adjourned to **03.12.2025** for filing status report.*

In the meanwhile, the petitioner is directed to join the investigation and in the event of his arrest, he shall be admitted to ad-interim bail on furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave India without the prior permission of the Court;*
- iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that section."*

3. Status report dated 02.12.2025 by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police, City Moga, District Moga has been filed on behalf of respondent-State and the same is taken on record.

4. Today, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated

13.10.2025 and is no longer required for further investigation.

5. In view of the aforesaid, the order dated 13.10.2025, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

6. Disposed of.

7. Pending misc application (s), if any, shall also stand disposed of.

03.12.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No