

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59820-2024 (O&M)

Date of Decision: 11.02.2025

DAVINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.138 dated 09.09.2024 under Sections 21-C/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force (SAS Nagar), City Taran Tarn, District STF Wing (Annexure P-1).

2. On 09.01.2025, following order was passed:

“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in a case bearing FIR No.138 dated 09.09.2024 under Sections 21-C/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force (SAS Nagar), City Taran Tarn, District STF Wing (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and nothing has been recovered from his conscious possession. The petitioner has been nominated as accused on the basis of disclosure statement made by co-accused while in police custody, which is not admissible in the eyes of law. Any statement made by co-accused under Section 67 of the NDPS Act, 1985 would be hit by



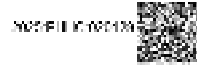
Section 25 of the Indian Evidence Act, 1872. He further submits that the petitioner is not involved in any other case under the NDPS Act although he is involved in 04 other cases which are registered under the provisions of the IPC and the Arms Act. Reliance is placed upon Special Leave to Appeal (Crl.) No.15494/2023 titled as 'Chadu Mandal Vs. The State of West Bengal'.

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, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his 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) 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. Adjourned to 11.02.2025.

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."

3. Learned State counsel on instructions from SI Baljinder Singh, submits that in compliance of order dated 09.01.2025 passed by this Court, however, the petitioner has joined the investigation, but his mobile phone is yet to be recovered from him.



4. In view of the statement made by learned State counsel, the order dated 09.01.2025 is made absolute. However, petitioner is directed to join the investigation as and when called upon to do so by the Investigating Agency.

5. The petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.02.2025
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>