



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
202

CRM-M-64014-2024
Decided on : 28.02.2025

Gurcharan Singh
Versus
State of Punjab
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kamal Narula, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Gurcharan Singh	0009	21.01.2024	21(C) NDPS Act	City Jalalabad	Fazilka

2. On 18.12.2024, following order was passed:-

“ Petitioner Gurcharan Singh has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.0009 dated 21.01.2024, under Section 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Jalalabad, District Fazilka.

Learned counsel for petitioner pointed out that no role is attributed to the present petitioner. He was not named in the present FIR. He was named by co-accused Gurpreet Singh alias Gora in his disclosure statement, from whose possession 600 grams of heroin was



recovered. Present petitioner is ready to join the investigation.

Notice of motion.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of State and prays for an adjournment to file status report.

Considering the fact that present petitioner is named by co-accused and the fact that petitioner is ready to join the investigation, arrest of petitioner Gurcharan Singh is stayed till next date of hearing, subject to joining of investigation.

Adjourned to 28.02.2025 for filing status report.”

3. Learned counsel for the petitioner submits that in compliance to the order dated 18.12.2024, petitioner has already joined investigation and fully cooperated with the investigating agency. Further, submits that custodial interrogation of the petitioner would not serve any purpose to the prosecution and therefore, seeks confirmation of the interim bail.

4. On the other hand, learned State counsel opposes the prayer of the petitioner's counsel, and produces the status report dated 27.02.2025, in Court, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel refers to paragraph No.4(c) of the status report, and same is also reproduced here-under:-

“4(c) That during police remand, co-accused Gurpreet Singh disclosed that he along with his cousin Gurcharan Singh alias Mithu (present petitioner) are also involved in cross border smuggling of Heroin. He further disclosed that on 20.01.2024, they received 700 gram Heroin from an unknown person, out of which he kept 600 gram Heroin with him and gave 100 gram heroin to petitioner Gurcharan Singh. As per said statement, petitioner Gurcharan Singh was nominated as accused



vide rapat No.31 dated 23.01.2024 and offence under section 29 of NDPS Act was added in the present FIR.”

6. Learned State counsel further submits that as per the disclosure statement of co-accused Gurpreet Singh @ Gora, 100 gram of Heroin has been delivered to the petitioner, which is yet to be recovered, and therefore, his custodial interrogation is warranted.

7. Heard.

8. Taking into consideration the totality of circumstances, and as per the status report, basis of involvement of the petitioner in the present case is dependent upon the disclosure statement of co-accused – Gurpreet Singh @ Gora, whereby, he himself admitted of retaining 600 grams of Heroin with himself and giving 100 gram of Heroin to the Gurcharan Singh (petitioner herein), I find that at this stage, no purpose would be achieved by the prosecution by having custodial interrogation of the petitioner.

Moreover, there is no dispute raised by learned State counsel that in compliance to the order dated 18.12.2024, investigation has not been joined by the petitioner. However, there is allegation of non-cooperation at the time of joining of investigation.

9. Consequently, present petition is **allowed** and orders that ad-interim order dated 18.12.2024, passed by the Coordinate Bench of this Court is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.



10. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

11. **Accordingly, petition stands disposed of.**

(SANJAY VASHISTH)
JUDGE

February 28, 2025
J.Ram

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