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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-65641-2024

Date of decision: 15.02.2025

Ajmer Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Jashandeep Singh, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR  
No.275 dated 07.12.2024 under Section 22(C) of NDPS Act, 1985 (Sections  
25/29 of NDPS Act added later on) registered at Police Station Sadar Faridkot,  
District Faridkot.

On 15.01.2025, the following order was passed:-

*'This is the first petition filed under Section 482 of BNSS  
seeking grant of anticipatory bail to the petitioner in case bearing FIR  
No.275 dated 07.12.2024 for offence punishable under Section 22(C)  
of NDPS Act, 1985 (Sections 25 and 29 of NDPS Act added later on)  
registered at Police Station Sadar Faridkot District Faridkot.*

*Learned counsel for the petitioner inter alia contends that  
petitioner is not named in the FIR and admittedly nothing has been  
recovered from the conscious possession of the petitioner and he has  
been nominated in the present case only on the basis of disclosure  
statement made by the co-accused while in police custody and it is a  
trite law that any statement recorded by the police under Section 67 of  
NDPS Act is hit by Section 25 of Indian Evidence Act and the  
petitioner is having clean antecedents and not involved in any other*



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case.

*Learned State counsel has filed reply by way of affidavit of Tarlochan Singh, PPS, Deputy Superintendent of Police, Sub Divisiona Faridkot District Faridkot on behalf of respondent-State of Punjab. Same is taken on record.*

*Adjourned to 15.02.2025.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, 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) of 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.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'*

Learned State counsel on instructions from SI Satpal Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.01.2025 is hereby made absolute. The petitioner shall abide by the terms and

conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)  
JUDGE

15.02.2025  
*Neha*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |