



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-8663 of 2026

Date of Decision: 04.05.2026

Jatinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Harmanpreet Singh, Advocate
for the petitioner(s).

Mr. Eklavya Darshi, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for anticipatory bail is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No. 331 dated 18.12.2025, for the commission of offence punishable under Section(s) 18, 21, 25 and 29 of 'the Narcotic Drugs and Psychotropic Substances Act, 1985' and Section 25(8) of the Arms Act, 1959 Police Station Lopoke, District Amritsar Rural, Punjab.

2. Vide order dated 16.02.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

3. Heard.

4. It has been submitted by learned counsel for the petitioner that in compliance with order dated 16.02.2026, the petitioner has already joined the investigation, and that nothing has been left to be recovered from the possession of petitioner. In view of above, the learned counsel for the petitioner has requested that the order dated 16.02.2026 be made absolute.

5. The learned State counsel has controverted the above-mentioned arguments. According to the learned State counsel, although the petitioner has joined the investigation, but in order to find out source from where the contraband was procured, custodial interrogation of the petitioner is necessary.

6. The record has been perused carefully.

7. With regard to fact-situation of the present case, and the arguments mentioned above, it is hereby observed that following are the relevant factors which are supposed to be taken into consideration:-

- i) that the petitioner has already joined the investigation;
- ii) that the petitioner cannot be forced to assist the prosecuting agency for the recovery of incriminating material, which may harm his interests or may amount to defeating his right of defence, as laid down by the Hon'ble Supreme Court of India in the cases of "Vinay Kumar Gupta v. State of Madhya Pradesh" [Criminal Appeal No. 939 of 2026, decided on 16.02.2026] and "Sanjay Sharma v. State of Haryana" [Criminal Appeal No. 767 of 2026, decided on 09.02.2026];
- iii) that no significant evidence is to be collected, with the

assistance of petitioner, which may be helpful in linking the petitioner with the commission of crime;

- iv) that nothing has been recovered from the possession of petitioner;
- v) that except the disclosure statement of co-accused, there is no other evidence to support the prosecution case;
- vi) that the only evidence collected by the investigating agency against the petitioner, is the disclosure statement of co-accused of the petitioner, and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when the co-accused of the petitioner was in police custody. Since pursuant to above-mentioned disclosure statement no recovery of incriminating material, or discovery of fact, has taken place, *prima facie* the above-mentioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;
- vii) that the petitioner has no criminal antecedents;
- viii) that investigation and trial of the case are not likely to be concluded in near future;
- ix) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- x) that there is nothing on record to show that while on anticipatory bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and

xi) that there is nothing on record to show that while on anticipatory bail, the petitioner will not participate/cooperate in the investigation.

8. To deal with the given fact-situation, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Vijay Singh Vs. The State of Haryana' 2023 SCC OnlineSC 1235 are relevant. In the abovementioned case, the petitioner was not present on the spot at the time of recovery and he was implicated solely on the basis of statement of co-accused. The Hon'ble Supreme Court of India in the abovementioned case afforded the benefit of bail to the accused.

9. Similarly, in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(3) SCC Online SC 757, are relevant, wherein it has been held by the Hon'ble Supreme Court of India that the disclosure statement of co-accused is inadmissible against another accused, as the disclosure statement is not a substantive piece of evidence against other accused.

10. Similar principle has been laid down by the Hon'ble Supreme Court of India in the case of 'Preet Kamal Vs. State of Punjab', 2018(4) RCR (Criminal) 938, wherein it has been held that the disclosure statement of an accused can be used only against the person making the same, and not against the co-accused.

11. In 'Tofan Singh Vs. State of Tamil Nadu', 2021(4) SCC 1 also, it has been observed by the Hon'ble Supreme Court of India that confessional statement of accused recorded under Section 67 of the NDPS

Act cannot be admitted in evidence, as a confession.

12. Keeping in view the aforesaid submissions and the fact that the petitioner has already joined the investigation, it is hereby ordered that the petitioner is entitled for anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 16.02.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 04, 2026
“DK”

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