



CRM-M-17510-2026 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

121

CRM-M-17510-2026 (O&M)
Date of decision : 04.05.2026

Rashpal Singh @Ricchu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Abhaysher Singh, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (Oral)

This petition for pre-arrest 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.06 dated 10.01.2026, for the commission of offence punishable under Sections 111/111(2) [Section 113(3), 152 added later on] of Bharatiya Nyaya Sanhita, 2023, Section 21 of Narcotic Drugs and Psychotropic Substances Act [Section 29 added later on] and Section 25 of Arms Act [Section 5 of the Official Secrets Act, 1923 added later on], Police Station Barnala, District Barnala.

2. Vide order dated 01.04.2026, the petitioner was admitted to interim anticipatory bail, subject to the condition of furnishing bail/surety



bonds to the satisfaction of arresting officer. It was also directed that the petitioner shall join the investigation.

3. It has been contended by learned counsel for the petitioner that in compliance with order dated 01.04.2026, the petitioner has already joined the investigation. According to learned counsel for the petitioner, in the present case custodial interrogation of the petitioner is not required, and therefore, the order dated 01.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, be made absolute.

4. The learned State Counsel has controverted the abovementioned arguments. It has been contended by learned State Counsel that although the petitioner has joined the investigation, but he was non-cooperative when he joined the investigation. As per learned State Counsel the source of supply of contraband has to be discovered and for that purpose custodial interrogation of the petitioner is necessary.

5. The record has been perused carefully.

6. A perusal of record shows in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i. that 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 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 abovementioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam

- ii. that the petitioner has already joined the investigation;
- iii. 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 case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026];
- iv. that as per law laid down by the Hon'ble Supreme Court of India in the case of 'Sanjay Sharma v. State of Haryana' [Criminal Appeal No.767 of 2026, decided on 09.02.2026], collection of evidence is the responsibility of the Investigating Officer, and that an accused cannot be compelled to self-incriminating himself;
- iii. that the investigation and trial are not likely to be concluded in near future;
- iv. that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- v. that there is nothing on record to show that if the order dated 01.04.2026 is made absolute, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- vi. that there is nothing on record to show that if order dated 01.04.2026 is made absolute, the petitioner will not participate/cooperate in the investigation/trial.



7. To deal with 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.

8. Similarly, in the case of 'Surender Kumar Khanna Vs. Intelligence Officer Directorate of Revenue Intelligence' 2018(8) SCC 271, 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.

9. 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.

10. 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 NDPS Act cannot be admitted in evidence, as a confession.



CRM-M-17510-2026 (O&M)

11. Taking into consideration the cumulative effect of all the abovementioned factors 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 01.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

12. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

04.05.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No