



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-18900 of 2026

Date of Decision: 06.05.2026

Talwinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Karandeep Singh Sidhu, 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. 30 dated 11.02.2026, for the commission of offence punishable under Section(s) 21 [Sections 27 and 29 added later on] of 'the Narcotic Drugs and Psychotropic Substances Act, 1985', Police Station ANTF, District S.A.S. Nagar, Punjab.

2. Vide order dated 07.04.2026, 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 07.04.2026, 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 07.04.2026 be made absolute.

5. The learned State counsel has controverted the above-mentioned arguments. The learned State counsel, on the instructions from ‘ASI Sukhdev Singh’, has submitted that although the petitioner has joined the investigation, but in order to find out the details of other accused, who were involved in the same illegal activity, the 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 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], 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;
- 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 the only evidence, collected by the investigating agency against the petitioner, is the disclosure statement of his co-accused and there is a question mark with regard to credibility & admissibility of above-mentioned statement in evidence, as the same was recorded when co-accused of the petitioner was in police custody. Since pursuant to above-mentioned disclosure statement no recovery of incrimination material or discovery of fact has taken place, prima facie the same appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;
- v) that the investigation and trial are not likely to be concluded in near future;
- vi) that nothing has been left to be recovered from the possession of petitioner;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- ix) 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
- x) that there is nothing on record to show that while on interim 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 Online SC 1235 are relevant. In the above-mentioned 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 above-mentioned 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 07.04.2026, whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

May 06, 2026
“DK”

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