



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-28508 of 2026

Date of Decision: 03.07.2026

Bakshish Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

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

Present: Mr. Brijeshwar Singh Bhalla, 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.62 dated 18.04.2026, for the commission of offence punishable under Section(s) 21 & 29 of 'the Narcotic Drugs and Psychotropic Substances Act, 1985', Police Station Badhni Kalan, District Moga, Punjab.

2. Vide order dated 20.05.2026, 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 20.05.2026, 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 20.05.2026 be made absolute.

5. The learned State counsel, on the instructions of 'ASI Kawaljeet Singh', has submitted that although the petitioner has joined investigation, but his custodial interrogation is required because the mobile phone used by the petitioner could not be recovered.

6. The record has been perused carefully.

7. With regard to fact-situation of this case and the above mentioned arguments, 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 case of 'Vinay Kumar Gupta v. State of Madhya Pradesh' [Criminal Appeal No.939 of 2026, decided on 16.02.2026] 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 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-incriminate himself;

- i) that the recovery of contraband has not been effected from the possession of petitioner and therefore, qua petitioner, rigors of Section 37 of NDPS Act are not attracted in the present case;
- ii) that the only evidence, collected by the Investigating Agency, against the petitioner is the disclosure statement of co-accused of the petitioner. With regard to above there is a question mark qua its credibility & admissibility in evidence, as the same was recorded when the co-accused was in police custody. Since pursuant to above-mentioned disclosure statement recovery of any incriminating material or discovery of fact has not taken place, *prima facie* the above-mentioned statement appears to be hit by Section-23 of Bharatiya Sakshya Adhiniyam;
- iii) that the petitioner has no history of indulging in any case under the NDPS Act;
- iv) that the investigation and trial of the case are not likely to be concluded in near future;
- v) that custodial interrogation of the petitioner is not likely to produce a fruitful result;
- vi) 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

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

8. 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 to anticipatory bail. Hence, the present petition is hereby **allowed** and the order dated 20.05.2026 whereby the petitioner was accorded the benefit of interim anticipatory bail, is hereby made absolute.

(Surya Partap Singh)
Judge

July 03, 2026
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No