



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

102

CRM-M-40156-2025 (O&M)

Date of decision: 20.03.2026

Harwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Prince Pal, Advocate for
Mr. Imaan Singh Khara, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.42 dated 26.05.2025, registered under Sections 21(b) of NDPS Act & 223 of BNS (Sections 27 & 29 of NDPS Act added later on), at Police Station Sadar Rampura, District Bathinda, Punjab.

2. On 29.07.2025, this Court had passed the following order:-

“Instant petition is preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.42 dated 26.05.2025 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and Section 223 of the Bharatiya Nyaya Sanhita, 2023 (Sections 27 & 29 of NDPS Act added later on), registered at Police Station Sadar Rampura, District Bathinda.

Learned counsel for the petitioner, *inter alia*, contends that admittedly, nothing has been recovered from the conscious possession of the petitioner and he has been nominated as accused only on the basis of disclosure statement of co-accused, which was made after 02 days from his arrest. Such statement made by co-accused while in police custody has no evidentiary value in the eyes of law, as the

same is hit by Sections 25 & 26 of Indian Evidence Act, 1872 (now Sections 23(1) & 23(2) of *Bharatiya Sakshya Adhiniyam, 2023*). Further, there is no material to prove recovery of alleged contraband from conscious possession of the petitioner. Although the petitioner is involved in two more cases of similar nature, however, he is on bail in those cases.

Notice of motion for 27.08.2025.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in *Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273* and *Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833*, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

In view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari Vs. State of UP and anr., 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi Vs. State of U.P. and others, 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

4. Learned State counsel on instructions affirms the factum of joining

the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 29.07.2025 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 482(2) BNSS.

6. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

20.03.2026
M.Kamra

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