



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213
CRM-M-69039-2025

MALKIT SINGH

....PETITIONER

V/s

STATE OF PUNJAB

....RESPONDENT

Date of decision: 14.01.2026

Date of uploading:14.01.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case bearing FIR No.106 dated 02.08.2025 registered for offences punishable under Sections 21/27-A/61/85 of NDPS Act (Sections 29 of NDPS Act & Section 238 of BNS, 2023 added later on), at Police Station Kathu Nangal, District Amritsar.

2. On 11.12.2025, the following order was passed:-

“Apprehending his arrest in FIR No.106 dated 02.08.2025 registered for offences punishable under Sections 21/27-A/61/85 of NDPS Act (Sections 29 of NDPS Act & Section 238 of BNS, 2023 added later on), at Police Station Kathu Nangal, District Amritsar; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail. Counsel for the petitioner, inter alia, contends that the petitioner is sought to be implicated into the FIR in question solely on the basis of a disclosure statement made by co-accused from whom the contraband in question has been allegedly recovered & the petitioner is willing to join investigation and cooperate therein. In



order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Vijay Singh versus The State of Haryana' bearing Special Leave to Appeal (Crl.) No(s).1266/2023, 'State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr' 2022(1) RCR (Criminal) 762, 'Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592, 'Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 29 and 'Jugraj Singh Vs. State of Punjab' bearing Special Leave to Appeal (Crl.)No.9190/2025.

Notice of motion.

On the strength of advance notice; Mr. Adhiraj Singh, AAG, Punjab has entered appearance on behalf of the respondent-State of Punjab.

Adjourned to 14.01.2026.

State is at liberty to file reply, if so required.

The petitioner is directed to appear before the Investigating Officer on 16.12.2025 2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023."

3. Learned State counsel (on instructions) has submitted that the petitioner has joined investigation and he is not required for further custodial interrogation.

4. In view of the stance of the State, especially the factum of the petitioner having joined investigation and he being arrayed as an accused on the basis of disclosure statement, this Court is inclined to confirm the order dated 11.12.2025 in light of the dicta of the judgment passed by this Court in **CRM-M-54032-2024 'Ashu Vs. State of Punjab'** and recent judgment of the Hon'ble Supreme Court passed in **'Jugraj Singh Vs. State of Punjab'** bearing **Special Leave to Appeal (Crl.) No.9190/2025**.

5. Accordingly, the petition is allowed and the order dated 11.12.2025 granting anticipatory bail to the petitioner is hereby made



absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

9. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

14.01.2026

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