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

CRM-M-20843-2025

Date of decision: 24.07.2025

Chamkaur Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. S.S. Gill, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.72 dated 31.07.2024 under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Ghagga, District Sangrur.

On 28.04.2025, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.72 dated 31.07.2024 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act added later on) registered at Police Station Ghagga, District Sangrur.*

*Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and he has been nominated as accused on the basis of disclosure statement made by co-accused Rekha Rani, who is inimical towards the petitioner. Such statement made by co-accused during the custodial interrogation has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1)(2) of Bharatiya Sakshya Adhinyam, 2023). Further, the alleged contraband recovered from co-accused Rekha Rani is marginally higher than the small quantity, which is triable by the Magistrate. The petitioner is involved in two more cases, however, he is on bail in that cases.*

*Notice of motion for 23.05.2025.*

*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.*

*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.'*

On 23.05.2025, the following order was passed:-

*'Learned counsel for the petitioner submits that in compliance of order dated 28.04.2025, the petitioner could not join the investigation, due to some unavoidable circumstances and she prays that one more opportunity may be granted to the petitioner for joining the investigation.*

*Allowed as prayed for.*

*The petitioner is again 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.*

*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.*

*Adjourned to 24.07.2025.'*

Learned State counsel on instructions from ASI Buta Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, orders dated 28.04.2025 and 23.05.2025 are hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**24.07.2025**

*Neha*

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