

2025:PHHC:116123



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40800-2025

Date of decision: August 29, 2025

Kuljeet Singh alias Kali

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: None for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner in case FIR No.53 dated 30.05.2025, registered for offences punishable under Sections 21, 29, 61, 85 of the NDPS Act, 1985, at Police Station Khilchian, District Amritsar (Rural).

2. On 31.07.2025, the following order was passed:

“Instant petition is preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.53 dated 30.05.2025 under Sections 21/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Khilchian, District Amritsar (Rural).

Learned counsel for the petitioner, inter alia, contends that admittedly, 05 grams of heroin has been recovered from the conscious and exclusive possession of co-accused Lovepreet Singh @ Bobby. The petitioner has been nominated as accused only on the basis of disclosure statement made by abovenamed co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law. It is trite law that any such statement made by co-accused while in police custody would be hit by Sections 25 & 26 of Indian Evidence Act, 1872 (now Sections 23(1) & 23(2) of Bharatiya Sakshya Adhinyam, 2023). Further,

the petitioner is not connected with the alleged recovery directly or indirectly and there is no other evidence against him except the disclosure statement made by co-accused Lovepreet Singh @ Bobby. The petitioner is having clean antecedents and is not involved in any other case.

Notice of motion for 29.08.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, 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”

3. Learned State counsel (on instructions) has stated that pursuant to the order dated 31.07.2025, the petitioner has indeed joined investigation, and his custodial interrogation not is required.

4. Having heard learned counsel for the State and upon perusal of the record; in view of the stance of the State and the petitioner being arrayed as an accused solely on the basis of disclosure statement; this Court is inclined to confirm the order dated 31.07.2025, in light of the dicta of judgment passed by this Court in **CRM-M-54032-2024 'Ashu Vs. State of Punjab'** and the judgment passed by the Hon'ble Supreme Court in '**Jugraj Singh Vs. State of Haryana** bearing **Special Leave to Appeal (Crl.) No.9190/2025**.

5. Accordingly, the petition is allowed, and the order dated 31.07.2025 granting interim 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, 2023 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

August 29, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No