



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

213

CRM-M-16789-2025 (O&M)

Date of decision: 28.04.2025

Pyara Lal @ Piara

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.9 dated 26.02.2025 under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act has been added later on), registered at Police Station Sadar Gurdaspur, District Gurdaspur.

2. On 27.03.2025, the following order was passed:-

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that nothing has been recovered from the conscious and exclusive possession of the petitioner. Admittedly, recovery of 10 grams of heroin was effected from co-accused Rinku, who named the petitioner in the disclosure statement suffered during his custodial interrogation that part of the consignment i.e. 4 grams was



sold to him. The disclosure statement made by co-accused Rinku, while he was in police custody, 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 Adhiniyam, 2023). At the most, the petitioner could be termed as a consumer and not indulged in drug trafficking and he is not apprehended at the spot. There is nothing on record to prove complicity of the petitioner in drug trafficking. It is further contended that alleged contraband recovered from co-accused falls within the ambit of small quantity.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is having criminal antecedents and he is involved in five more cases, out of which, four cases are registered under NDPS Act. However, he could not controvert the fact that contraband recovered in the present case falls within the ambit of small quantity.

Adjourned to 28.04.2025.

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

4. In view of the statement of learned State counsel, order dated 27.03.2025 is hereby made absolute. The petitioner shall abide by



the terms and conditions envisaged under Section 482(2) of BNSS
(*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.04.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No