



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-24629-2025

Date of decision: 02.09.2025

BALWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Robindeep Singh Bhullar, Advocate  
for the petitioner.

Mr. Amit Shukla, AAG Punjab.

.....

**RUPINDERJIT CHAHAL, J. (ORAL)**

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS"), the petitioner seeks anticipatory bail in case FIR No.45 dated 22.02.2025 under Section 21 of the NDPS Act (Section 29 of NDPS Act added later on) registered at Police Station Division No.8, District Jalandhar.

2. On 07.05.2025, following order had been passed: -

*" 1. This is a petition for anticipatory bail filed under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.45 dated 22.02.2025 under Section 21 (29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Division No.8, District Jalandhar.*

*2. The case of the prosecution begins with recovery of 30 grams of heroin from one Vipin Kanaujia. On his disclosure statement, two persons were implicated and thereafter on the disclosure statement of those two persons, the name of Lakhwinder Singh was came up, from whom 100 grams of heroin*



*was recovered. Thereafter, on the disclosure statement of said Lakhwinder Singh, name of the present petitioner was added. It is admitted that there is no recovery from the present petitioner and apart from the disclosure statement, there is no other evidence at this stage to implicate him. Moreover, he is not involved in any other case of similar nature.*

*3. Learned counsel for the petitioner submits that the petitioner is ready to join investigation.*

*4. Notice of motion for 30.07.2025.*

*5. On the asking of the Court Mr.Amandeep Singh Samra, AAG, Punjab accepts notice on behalf of the State.*

*6. In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation as and when required and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-*

*i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*

*ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*

*iii) that the petitioner shall not leave India without the prior permission of the Court;*

*iv) such other condition as may be imposed under subsection (3) of Section 480, as if the bail were granted under that section.”*

3. Learned counsel for the petitioner submits that in compliance of the order dated 07.05.2025 passed by this Court, the petitioner has joined the investigation. He has further argued that there is no connection between the petitioner and co-accused and the petitioner is sought to be implicated only on the basis of disclosure statement.

4. Learned counsel for the State, on instructions from ASI Avtar Singh, has submitted that the petitioner has joined the investigation and is no longer required for further investigation. He has further submitted that



since the FIR in question is under the NDPS Act of 1985, the petitioner ought not to be extended the concession of anticipatory bail. However, he could not controvert the fact that except the disclosure statement of co-accused nothing is there to connect the petitioner with the recovered contraband.

5. I have heard learned counsel for the rival parties and perused the available record.

6. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as '***Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592***', relevant whereof reads as under:

*"155. We answer the reference by stating: (i) That the officers who are invested with powers under section 53 of the NDPS Act are "police officers within the meaning of section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act (ii) That a statement recorded under section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS ACT".*

7. More recently, the Hon'ble Supreme Court in a judgment titled as '***Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu Vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 290***', has reiterated the ratio decidendi of the judgment of Hon'ble Supreme Court in the case of Tofan Singh (supra).

8. The Hon'ble Supreme Court while dealing with a plea for grant of anticipatory bail in a case under NDPS Act, 1985; in a judgment



titled as '*Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s)1266/2023 decided on 17.05.2023*' has held as under:

*"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed. All pending applications are disposed of."*

9. The petitioner is sought to be arrayed solely on the basis of disclosure statement of the co-accused. Suffice to say there is no other material available to connect the petitioner with the recovered contraband. The veracity of the disclosure statement made by the co-accused will be subject to comprehensive scrutiny during the course of the trial and same cannot be a ground to decline the concession of anticipatory bail to the petitioner especially when he has joined the investigation in terms of interim protection granted by this Court.

10. In view of the above, the interim order dated 07.05.2025 is made absolute. The petitioner shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 482(2) of the BNSS.



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

02.09.2025  
punet

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

- |     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |