

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:125554



205

CRM-M-33630-2025 (O&M)

Date of Decision: 11.09.2025.

Palwinder Singh

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.15 dated 08.03.2025, under Sections 21(b) and 27(A) of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Verka, District Amritsar.

As per prosecution case, co-accused Rahul Kumar was found in possession of 85 grams of heroin along with drug money of Rs.990/- and the petitioner was nominated as an accused in the present case on the basis of disclosure statement of the co-accused.

Learned counsel for the petitioner contended that no recovery has been effected from the petitioner and he is not connected with the offence in the present case. The petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused, which is not admissible in law. Co-accused Rahul Kumar has already been granted interim bail by the trial Court vide order dated 30.04.2025. He prayed that

custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 0.07.2025 and status report was called from the State, which was filed on 08.08.2025 and the same was taken on record.

Learned State counsel has opposed the petition and submitted that the petitioner is indulging in the sale and purchase of heroin. He has been specifically named in the disclosure statement of co-accused and as such he is not entitled to the concession of regular bail.

Heard.

As per the allegations, the name of the petitioner surfaced in the present case, only on the basis of disclosure statement of co-accused. Except the disclosure statement, there is no material on record to connect the petitioner with the offence in question. Recovery has already been effected in the present case and nothing is to be recovered from the petitioner. The alleged recovery effected from co-accused Rahul Kumar, falls within the ambit of 'non-commerical quantity'. The custodial interrogation of the petitioner is not required for any purpose and no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the

conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail application.

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

(SUKHVINDER KAUR)
JUDGE

11.09.2025.

Komal

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