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

**CRM-M-11860-2025 (O&M)  
Date of decision: 11.03.2025**

**Nishan Singh @ Shana @ Satnam Singh**

**... Petitioner**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. B.K. Saini, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

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

1. Present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner in FIR No.243 dated 27.11.2024 under Sections 21(B) & 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dharamkot, District Moga.
2. Briefly, the facts of the case are that on 27.11.2024, ASI Parwinder Singh along with other police officials was on patrolling duty and was going on Kot Ise Khan Road towards Village Kardyal. When the police party reached near Bharat Petrol Pump (now closed) behind the gate of Village Kardyal, then



a young man, who was standing on the road, on seeing the police party, suddenly panicked and entered the aforementioned petrol pump and threw the heavy transparent polythene from the right pocket of his lower. On the basis of suspicion, he was apprehended and disclosed his name as Gurdev Singh @ Kaka. After following the proper procedure prescribed under the provisions of NDPS Act, 70 grams of heroin was recovered and a *ruqa* was sent to the police station for registration of FIR.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (*supra*). Admittedly, 70 grams of heroin was recovered from conscious and exclusive possession of co-accused Gurdev Singh @ Kaka. The petitioner has been nominated as an accused in the FIR (*supra*) after 02 days of the alleged recovery, merely on the basis of disclosure statement made by above named co-accused during his custodial interrogation and such statement has no evidentiary value in the eyes of law, as it is hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhinyam, 2023*).

4. *Per contra*, learned State counsel has produced the short reply by way of affidavit of Ajay Gandhi, IPS, Senior Superintendent of Police, Moga, on behalf of the respondent-State, in compliance of the order passed by this Court on 03.03.2025, in the Court today, which is taken on record and copy thereof has been supplied to learned counsel for the petitioner. Learned State counsel submits that departmental action has been initiated against the



instructing/investigating officer, who has supplied the incorrect information. It is further submitted that the petitioner has supplied the contraband and he is habitual offender and is involved in 10 more cases under NDPS Act. The custodial interrogation of the petitioner is required to conduct proper investigation.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is supplier of the alleged contraband and he is involved in 10 more cases under NDPS Act, as such, his custodial interrogation is imperative to unearth the supply chain.

6. Keeping in view the facts and circumstances of the case and considering the antecedents of the petitioner, this Court finds no ground to grant the concession of anticipatory bail to him. Accordingly, the present petition is dismissed.

7. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and learned trial Court shall decide the case on its own merits without being prejudiced by the observations of this Court.

**[ HARPREET SINGH BRAR ]  
JUDGE**

11.03.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No