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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20756-2025

Date of decision: 20.05.2025

Kuldeep

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vansh Malhotra, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.146 dated 09.09.2024 (Annexure P-1) under Section 20(b)(ii) of the NDPS Act registered at Police Station Bhiwani Civil, District Bhiwani, Haryana.

On 22.04.2025, the following order was passed:-

Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.146 dated 09.09.2024 under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhiwani Civil Lines, District Bhiwani.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra). Admittedly, the alleged contraband was recovered from the exclusive and conscious possession of co-accused. The alleged recovery falls within the ambit of non-commercial quantity. Further, the petitioner has been nominated as accused merely on the basis of disclosure statement made by co-accused during his custodial interrogation, which 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 Adhinyam, 2023). The petitioner is having clean antecedents and he is not involved in any other case.

Notice of motion for 20.05.2025.

*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*



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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.'

Learned State counsel on instructions from SI Ashok, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 22.04.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.05.2025

Neha

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