



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

290

CRM-M-16876-2025  
Decided on : 03.04.2025

Bir Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Suram Singh Rana, Advocate  
for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab  
assisted by ASI Jai Gopal.

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**SANJAY VASHISTH, J. (Oral)**

1. In the present anticipatory bail petition, on 27.03.2025,  
following order was passed:-

“1. Present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.08 dated 07.01.2025, under Section 15(C), 29 of NDPS Act, registered at Police Station Phillaur, District Jalandhar Rural.

2. Counsel for the petitioner inter alia contends that at the time of recovery of 144 kilograms of poppy husk from the truck belonging to the petitioner, same was occupied by Buta Singh and Kulwant Singh, who in fact, had taken away the truck forcibly from the petitioner.

3. Notice of motion.

4. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts an appearance on behalf of the respondent/State, and seeks some time to file status report in the matter.

5. List again on 03.04.2025.

6. Notice re: stay as well.”

2. Counsel for the petitioner argues that in fact, vehicle i.e. Truck bearing registration No.PB08-BR-9311, was financed with the IndusInd Bank, and on account of the fact that petitioner was unable to pay the installments towards loan amount, the possession of the vehicle was



snatched by the Bank from the petitioner, and thereupon, same was sold and transferred by the Bank itself to Kulwant Singh. Therefore, there is no truth in the case of the prosecution that it is the petitioner, who had handed-over the possession of the truck to the arrested accused on the spot.

He further argues that moreover, the arrested accused from the Spot are Boota Singh and Kulwant Singh. And subsequently, when the disclosure statement of said arrested accused has been prepared, name of the present petitioner has been involved in the present case. Such a disclosure statement carries no value, which is far away from the truth. Even, as per law, it is not an admissible evidence.

Therefore, the prosecution cannot succeed on such kind of allegations, merely, on the basis of disclosure statement of the co-accused. Thus, counsel prays for grant of concession of anticipatory bail to the petitioner.

3. On the other hand, while filing the status report dated 01.04.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Learned State counsel after getting instructions from ASI Jai Gopal, confirms the contention of the petitioner's counsel, that vehicle was found to be there in the name of Sukhpreet Singh s/o Kulwant Singh, which was handed-over to him by the IndusInd Bank.

4. Keeping in view the contentions addressed by the petitioner's counsel and the response thereon made by learned State counsel, upon



instructions from ASI Jai Gopal, it appears that at this stage, it cannot be said definitely or concluded that the petitioner had any direct control over the vehicle/Truck in question, from which the contraband was recovered.

Therefore, the element of *mens rea* and the issue of conscious possession shall be decided at the final stage of the trial.

5. Accordingly, prayer made in the present petition is **allowed** and petitioner is directed to join the investigation within a period of two weeks from today, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023.

6. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

7. Petition stands **disposed of** accordingly.

(SANJAY VASHISTH)  
JUDGE

April 03, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No