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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44552-2024

Date of decision: 18.03.2025

Aman Kumar

....Petitioner

Versus

State of Punjab

...Respondent

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

**Present:** Mr. Kuldip Singh, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

**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.92 dated 21.06.2024 under Sections 21/22 of the NDPS Act (Section 29 of  
the NDPS Act and Sections 42/52-A of Prisons Act added later on) registered at  
Police Station Sadar Kotkapura, District Faridkot.

On 17.02.2025, the following order was passed:-

*'Prayer in this petition filed under Section 482 of the  
Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023'),  
is for grant of anticipatory bail to the petitioner in FIR No.92 dated  
21.06.2024, registered under Sections 21, 22 of the Narcotic Drugs  
and Psychotropic Substances Act, 1985 (in short 'the NDPS Act')  
(Section 29 of the NDPS Act and Sections 42, 52-A of the Prison Act,  
added later on), at Police Station Sadar Kotkapura, District Faridkot.*

*Learned counsel for the petitioner inter alia contends that  
admittedly the alleged contraband has been recovered from the  
conscious and exclusive possession of the co-accused of the petitioner  
namely Gurpreet Singh @ Guni and Lakhvir Singh @ Khiri and the  
petitioner has been nominated as an accused in the FIR (supra) only  
on the basis of the disclosure statement made by co-accused while in  
police custody, which has no evidentiary value in the eyes of law and  
the petitioner is having clean antecedents and he is not involved in  
any other case.*

*Per contra, learned State counsel opposes the prayer made by  
the petitioner on the ground that the nomination of the petitioner in  
the FIR (supra) is not solely based on the co-accused's disclosure  
statement but is supported by corroborative evidence. He further  
submits that the petitioner's role is under active investigation, and*

*granting bail at this stage would hamper the proceedings, therefore, considering the serious nature of the offense, no leniency is warranted.*

*Adjourned to 18.03.2025.*

*In the meantime, keeping in view the 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 the Investigating Officer within two weeks from today and on doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

*If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'*

Learned State counsel on instructions from SI Chamkaur Singh, 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 17.02.2025 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**

**18.03.2025**

*Neha*

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