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

CRM-M-7974-2025

Date of decision: 28.03.2025

Ravi Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vishal Sharda, 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.28 dated 25.01.2025 (Annexure P-1) under Sections 21(b)/61/85 of NDPS Act registered at Police Station Dabwali Sadar, District Dabwali.

On 11.02.2025, 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.28 dated 25.01.2025 under Section 21(b)/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dabwali Sadar, District Dabwali.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. Admittedly, the alleged contraband was recovered from the conscious and exclusive possession of co-accused, which is less than commercial quantity. The petitioner has been nominated as accused on the basis of disclosure statement made by co-accused, while he was in police custody, which has no evidentiary value in the eyes of law, as the statement of co-accused recorded by the police official in police custody is hit by the provisions of Section 23(1)(2) of Bharatiya Sakshya Adhinyam, 2023 (erstwhile Section 25 of Indian Evidence Act, 1872).

Notice of motion for 11.03.2025.

*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 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. '

On 11.03.2025, the following order was passed:-

'Learned counsel for the petitioner submits that the petitioner went twice to the Investigating Officer to join the investigation, however, he was not allowed to join.

The learned State counsel, on instructions from ASI Vijay Singh, submits that the petitioner has not come present to join the investigation rather a notice has been issued to the petitioner which was received by his father and also, the Investigating Officer visited the house of the petitioner but he was not found there.

In view of the above, the petitioner is again directed to appear before the learned Illaqa Magistrate on 18.03.2025 at 11:00 A.M. in terms of order dated 11.02.2025.

The concerned Court would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order dated 11.02.2025 passed by this Court.

Adjourned to 28.03.2025.'

Learned State counsel on instructions from ASI Vijay 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 11.02.2025 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

28.03.2025

Neha

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