



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

**216**

**CRM-M-28000-2025  
Date of decision: 21.07.2025**

Jaskaran Singh @ Jassu

....Petitioner

Versus

State of Punjab

....Respondent

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

**Present:** Mr. Abhinav Jain, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. This petition has been filed under Section 482 of BNSS, 2023, seeking anticipatory bail in case FIR No.41 dated 05.04.2025 under Section 21/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (*Section 29 of NDPS Act was added later on vide GD No.30 dated 05.04.2025*), registered at Police Station Nihal Singh Wala, District Moga.

2. On 21.05.2025, the following order was passed:-

“XX XX XX XX

*Learned counsel for the petitioner, inter alia, contends that 10 grams of heroin has been recovered from conscious and exclusive possession of co-accused Kuldeep Singh @ Babbu and Sukhdev Singh @ Sukha. The petitioner has been nominated as accused only on the basis of disclosure statement suffered by co-accused while in police custody, which has no evidentiary value in the eyes*



*of law, as the same is hit by Sections 25 & 26 of Indian Evidence Act, 1872 (now Sections 23(1) & 23(2) of Bharatiya Sakshya Adhiniyam, 2023). Apart from disclosure statement made by co-accused, there is no other evidence available on record against the petitioner. Further, the alleged contraband recovered in the present case does not fall within the ambit of commercial quantity. The petitioner is not involved in any other case and he is having clean antecedents.*

*Notice of motion for 21.07.2025.*

*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.”*

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

4. In view of the statement of learned State counsel, order dated 21.05.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).

5. The petition stands disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**21.07.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No