



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-56533-2024
Date of decision: 22.04.2025

Kulwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. H.S. Deol, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') in case FIR No.565 dated 21.11.2021 under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron), registered at Police Station City Barnala, District Barnala.

2. On 13.11.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had issued notice of motion:-

“Learned counsel for the petitioner, inter alia, contends that the alleged recovery (1000 intoxicant tablets) were alleged affected from co-accused way back on 21.11.2021 leading to the registration of the FIR in question. As pe the case of the prosecution, on the following day itself, a disclosure statement was made by co-accused Shankar claiming that the recovered contraband had been procured through the petitioner. Learned counsel submits that in the preceding three years, neither had any proceeding been initiated against him under Section 82 of the Cr.P.C. nor was he aware about



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his involvement in the present case.”

3. Thereafter, on 13.01.2025, while noticing the following submissions of the learned State counsel, the petitioner had been granted the concession of interim bail and asked to join investigation:-

“Pursuant to the notice issued, learned State counsel, on instructions, has not disputed that the alleged recovery of contraband was affected from the co-accused way back on 21.11.2021 and that the name of the petitioner has surfaced only in the disclosure statement allegedly suffered by co-accused Shankar.”

4. Learned counsel for the petitioner submits that in compliance of order dated 13.01.2025, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 13.01.2025, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

22.04.2025

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(MANJARI NEHRU KAUL)

JUDGE

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