



214

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

CRM-M-25790-2025

Date of decision: 14.07.2025

Salim Mohammad alias Salim

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, 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.51 dated 21.04.2025 under Section 111 of BNS and Section 21 of NDPS Act registered at Police Station Sirhali, District Tarn Taran (Annexure P-1).

On 13.05.2025, 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.51 dated 21.04.2025 under Section 111 of the Bharatiya Nyaya Sanhita, 2023 and Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Sirhali, District Tarn Taran.

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered on the basis of secret information. Neither the petitioner was arrested at the spot nor he has any connection with the alleged crime. Further, from the co-accused, who were arrested at the spot, no contraband was recovered. As such, without recovery of the alleged contraband, case under Section 21 of NDPS Act would not be sustainable against the petitioner. Furthermore, the petitioner is not involved in any other case and he is having clean antecedents.

Notice of motion for 14.07.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from*



CRM-M-25790-2025

-2-

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. '

Learned State counsel on instructions from ASI Gurmit 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 13.05.2025 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

14.07.2025

Neha

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