



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

**CRM-M-20521-2025
Date of decision: 17.07.2025**

GURWINDER SINGH ALIAS GORI

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harpal Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 438 of Cr.P.C. now Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.0125 dated 05.12.2024 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to referred as 'NDPS Act') and Section 25 of Arms Act, 1959 registered at Police Station Sadar Jalalabad, District Fazilka (Annexure P-1).

2. On 16.05.2025, following order was passed:

“Instant petition is preferred under Section 438 of Cr.P.C. now Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No. 0125 dated 05.12.2024 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to referred as 'NDPS Act') and Section 25 of Arms Act, 1959 registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner, inter alia contends that petitioner is 20 years old young person and recovery of contraband and pistol is made from the co-



accused Navdeep Singh @ Lovely. Nothing has been recovered from the conscious and exclusive possession of the petitioner and he has been nominated as accused only on the basis of disclosure statement made by co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law as any statement recorded by the police under Section 67 of NDPS Act during custodial interrogation is hit by Sections 26 and 27 of Indian Evidence Act and apart from the disclosure statement of co-accused, there is no other evidence to connect the petitioner with the alleged recovery and the petitioner is having clean antecedents and not involved in any other case.

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).

Adjourned to 17.07.2025.

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 Sukhdev Singh, submits that in compliance of order dated 16.05.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 16.05.2025 is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

July 17, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |