

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13428-2020 (O&M)
Date of Decision:- 8.7.2020

Raj Singh @ Raju

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashish Bakshi, Advocate, for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.20, dated 14.2.2020, Police Station Meharban, District Ludhiana, Punjab, under Section 15 of NDPS Act.
2. It is the case of the prosecution that during the course of patrolling a police party headed by ASI Harjit Singh apprehended Ravi Kumar and Sanjiv Kumar who were found in possession of 75 kgs of 'Poppy

Husk'. It is further the case of prosecution that during the course of interrogation Ravi Kumar made a disclosure statement to the effect that he along with Major Singh and Raj Singh (petitioner) had procured 'Poppy Husk' and 3 bags out of the same were kept by Major Singh and Raj Singh in the house of Major Singh. Pursuant to the said disclosure statement the police recovered another 3 bags containing 75 kgs of 'Poppy Husk' from the house of Major Singh.

3. Learned counsel for the petitioner has submitted that he was neither arrested at the spot nor any recovery was effected from him or from his house and that in these circumstances he deserves the concession of anticipatory bail.
4. Opposing the petition the learned State counsel has submitted that since the name of the petitioner figures in the disclosure statement made by co-accused Ravi Kumar and huge quantity of 'Poppy Husk' has been recovered from the co-accused, no case for grant of anticipatory bail is made out. It has however, been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court. Bearing in mind the fact that no recovery was ever effected from the petitioner and that he has been nominated solely on the basis of disclosure statement, the authenticity and veracity of which is yet to be established and also the fact that the petitioner has since joined investigation, the petition is hereby accepted and interim directions issued vide order dated 1.6.2020 are made absolute subject to the condition that the petitioner shall appear and join investigation as and

when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

July 8, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No