

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

CRM-M-13432-2020 (O&M)

Date of Decision:-8.7.2020

Jatinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Manaise, 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 has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.149 dated 19.9.2019 at Police Station City Batala, Police District Batala, District Gurdaspur under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. It is the case of prosecution that one Manohar Lal @ Dakh was apprehended by the police and upon whose search 4500 intoxicating capsules branded as 'RIDLEY' were recovered on 19.9.2019. It is further the case of prosecution that subsequently on the basis of a DDR entry dated 24.2.2020 the name of the petitioner was recorded therein being the person who had supplied these drugs to Manohar Lal @ Dakh as Manohar Lal @ Dakh is stated to have suffered a disclosure statement on 19.9.2019 itself.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been nominated as an accused five months after the arrest of aforesaid Manohar Lal @ Dakh on the basis of alleged disclosure statement and that no recovery was ever effected from the petitioner at any point of time.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner has been nominated by Manohar Lal @ Dakh, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. The petitioner is sought to be nominated solely on the basis of disclosure statement allegedly made by the main accused Manohar Lal @ Dakh, the admissibility and veracity of which is yet to be established by the prosecution. Further it remains unexplained as to why it is after five months that the DDR in question came to be recorded pertaining to involvement of the petitioner, although the main accused Manohar Lal @ Dakh is alleged to have made disclosure statement on 19.9.2019 itself. In any case, since the petitioner has already joined investigation, this Court does not find it to be a case justifying custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 1.6.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

8.7.2020

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No