

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

CRM-M-14615-2020

Date of Decision:-10.06.2020

SURJIT

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Avinash Mandla, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.17 dated 28.2.2020 under Sections 21 & 22 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station City Banga, District Saheed Bhagat Singh Nagar.
2. Notice of motion.
3. Mr. H.S. Sullar, DAG Punjab to whom an advance copy of petition has already been furnished accepts notice on behalf of the respondent.
4. The case of the prosecution is that one Manjit wife of Harjit Ram was apprehended while in possession of 12 injections of Bupronorphine (2 ml each), 12 injections of Avil (10 ml each) and 50 grams of 'Heroin'. Upon interrogation she disclosed that she had purchased the aforesaid

contraband from the petitioner.

5. Learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated as an accused on the basis of alleged disclosure statement made by Manjit from whom contraband was recovered.
6. Opposing the petition, learned State counsel has submitted that since it is a case of commercial quantity of contraband wherein Manjit from whom recovery had been effected has specifically named the petitioner as supplier, no case for grant of anticipatory bail is made out. It has however been informed that he has received instructions from SI Balwant Singh that petitioner is not involved in any other case.
7. I have considered rival submissions addressed before this Court. Since the petitioner was never arrested at the spot and no recovery was effected from him and he is nominated on the basis of disclosure statement made by co-accused, it will certainly be debatable as to whether the aforesaid disclosure statement would be admissible in evidence against the petitioner or not. Keeping in view the said fact and also the fact that petitioner is not involved in any other case, in my opinion it is a fit case for grant of anticipatory bail to the petitioner.
8. The petition, as such, is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the

Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

9. It is however made clear that in case the petitioner does not join investigation, it shall be open to the prosecution to move for cancellation of bail.

10.06.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**