

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

CRM-M-42467-2019 (O&M)
Date of Decision:-15.1.2020

Ankush Kumar @ Gogna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Varinder Basa, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

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.85 dated 27.8.2019 at Police Station Division 2, District Pathankot under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS was added lateron.
2. It is the case of prosecution that 800 intoxicating tablets were recovered from Raghunath @ Babli, who disclosed during interrogation that he had procured the said tablets from the present petitioner namely Ankush Kumar @ Gogna.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and is sought to be nominated as an accused solely on the basis of the alleged disclosure statement made by

co-accused Raghunath @ Babli, the veracity and admissibility of which would be debatable.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner has been specifically named by co-accused Raghunath, from whom 800 tablets of 'Alprazolam' have been recovered, no case for grant of bail is made out. It has, however, been informed by learned State counsel that pursuant to interim directions the petitioner has joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that no recovery was effected from the petitioner and also that the petitioner is sought to be nominated as an accused on the basis of alleged disclosure statement made by co-accused, the admissibility and veracity of which is yet to be tested on the basis of evidence led by the prosecution, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 5.11.2019 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.

15.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No