

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

CRM-M-50726-2019 (O&M)
Date of Decision:- 13.1.2020

Malkiat Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Dadwal, Advocate, for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Malkiat Singh, seeks grant of anticipatory bail in a case registered vide FIR No.94, dated 22.8.2019, registered at Police Station Sadar Raikot, District Ludhiana (Rural), under Sections 15/25/61/85 of NDPS Act.
2. Learned State counsel has today filed status report in the shape of affidavit of Sukhnaaz Singh, PPS, Deputy Superintendent of Police, Raikot, District Ludhiana (Rural). The same is taken on record.
3. It is the case of prosecution that on 22.8.2019, when the police was conducting patrolling and checking of doubtful persons, then one Jasveer Singh was found in possession of 1 KG of 'Poppy Husk'.
4. It is further the case of prosecution that during the course of interrogation he suffered a disclosure statement to the effect that he

had purchased the said contraband from petitioner-Malkiat Singh for an amount of ₹4000/-.

5. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and has been nominated on the basis of a disclosure statement made by co-accused the admissibility and veracity of which would be debatable.
6. Opposing the petition, learned State counsel has submitted that since the main accused from whom possession recovery of 1 KG of 'Poppy Husk' was effected has categorically named the petitioner, no case for grant of bail is made out.
7. Having considered rival submissions addressed before this court and bearing in mind the quantity of contraband recovered i.e. 1 KG of 'Poppy Husk' and the fact that the petitioner is being nominated on the basis of disclosure statement, the admissibility of which is yet to be tested during the course of trial, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and interim directions issued vide order dated 4.12.2019 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.

January 13, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No