

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

CRM-M-52018-2019

Date of Decision:- **18.2.2020**

JAGJEEVAN SINGH @ JEEVAN SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manvinder Sidhu, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

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.348 dated 31.10.2019 under Section 21 of NDPS Act at Police Station City Mandi Dabwali, District Sirsa.
2. It is a case of prosecution that two persons were found in possession of 'Heroin' i.e. Rahul from whom three grams of 'Heroin' was recovered and Sunil who was carrying ten grams of 'Heroin'. It is further the case of prosecution that during the course of interrogation they disclosed that they had procured the contraband from the petitioner-Jagjeevan Singh @ Jeevan Singh.
3. Learned counsel for the petitioner has submitted that he was never arrested at the spot and he was nominated on the basis of some disclosure

statement allegedly made by the co-accused.

4. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner figured in the FIR itself inasmuch as the two accused who were apprehended had immediately disclosed the name of the petitioner, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner was not arrested at the spot and has been nominated on the basis of disclosure statement of the co-accused, the veracity & admissibility of which is yet to be tested and also that it is a case of recovery of “non-commercial” quantity of contraband, the present case is not such which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 10.12.2019 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

(GURVINDER SINGH GILL)
JUDGE

18.2.2020
Gaurav Sorot

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

Whether reportable? **Yes / No**