

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

CRM-M-467-2021 (O&M)

Date of Decision : January 12, 2021

Pardeep		Petitioner
	Versus	
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Bijender Singh Dhankhar, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.646 dated 19.10.2020 under Sections 21-C, 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Assandh, District Kaithal.

Counsel for the petitioner submits that as per the allegations in the FIR, the police received a secret information that co-accused Bablu Ram is involved in selling of intoxicants/capsules and can be apprehended with narcotic substance. On this, a raiding party was constituted and Bablu Ram was apprehended and 1400 tablets of tramadol were recovered from a bag, which fall under the commercial quantity. Counsel for the petitioner submits that the petitioner

was not named in the secret information. However, on disclosure of the co-accused, Bablu Ram, he has been nominated in the present FIR.

Counsel for the petitioner further submits that one more accused Ranjit Singh was also arrested on further disclosure made by the petitioner and similarly one another accused Manoj Kumar was arrested, who had stated that he has taken the contraband from the medical shop of his brother-in-law Sanjay Kumar. He further submits that Sanjay Kumar has already died due to COVID-19.

Counsel for the petitioner also submits that except from effecting recovery from Bablu Ram, who, as per the police version, was arrested at the spot and recovery was effected, in pursuance to the arrested of the petitioner or other accused, no recovery was effected.

Counsel for the petitioner has relied upon the judgment dated 29.10.2020 of the Hon'ble Supreme Court passed in Criminal Appeal No. 152 of 2013 titled as **"Tofan Singh Vs. State of Tamil Nadu"**, to submit that the disclosure made by co-accused is not admissible against the co-accused in terms of Section 67 of the NDPS Act. It is further argued that the petitioner is not involved in any other case.

Learned State counsel on instructions from ASI Ajay Kumar could not dispute the factual position to submit that the FSL report is still awaited.

After hearing counsel for the parties, considering the fact that the primary evidence against the petitioner is disclosure of his co-accused Bablu Ram from whom the recovery was effected, this petition is allowed and the petitioner is directed to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

**(ARVIND SINGH SANGWAN)
JUDGE**

January 12, 2021
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO