

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

203

CRM-M-459-2020

Date of Decision: 20.08.2021

Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. N.S.Sidhu, Advocate, for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab,
assisted by ASI Ranjit Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.279 dated 28.11.2019 at Police Station Canal Colony, District Bathinda, under Sections 21-B/25/29 of the NDPS Act.
2. As per the case of the prosecution, one Karanvir Bhanut was apprehended by the police, who was found in possession of 40 grams of *heroin*. It is further the case of the prosecution that during the course of interrogation, he disclosed that Rahul (petitioner) had given an amount of Rs.50,000/- to purchase of *heroin* from Delhi.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and nor any contraband was ever recovered from him and he is sought to be nominated as an accused on the basis of a disclosure statement allegedly made by Karanvir Bhanot from

whom 40 grams of *heroin* was recovered on 28.11.2019. It has been submitted that no evidentiary value can be attached to such like disclosure statement and as such the petitioner deserves the concession of anticipatory bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named by the main accused, his complicity is clearly evident. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that challan already stands presented and that the petitioner is not involved in any other case.
5. In view of the aforestated position wherein no recovery was ever effected from the petitioner and is sought to be nominated on the basis of a disclosure statement, the admissibility of which would be debatable and while also noticing that challan already stands presented and petitioner has joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 09.01.2020 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.

20.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**