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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.2052 of 2021 (O&M)

Date of decision: 15.01.2021

Som Nath @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.139 dated 28.10.2020 registered under Sections 22/25 of the NDPS Act (Section 29 of the NDPS Act added later) at Police Station Tapa Mandi, District Barnala.

Counsel for the petitioner has argued that the FIR has been registered on the basis of a secret information that Avtar Singh @ Gagan is carrying some intoxicant tablets. Thereafter, the police arrested the co-accused of the petitioner namely Avtar Singh was arrested by the police and recovery of 490 Tramadol as well as 1000 loose tablets were made from him. Thereafter, on the basis of the disclosure statement made by said Avtar Singh, the petitioner was nominated as an accused in the present case. It is further submitted that the petitioner is not involved in any other case and as such, there is no history of involvement in any such case. It is also submitted that the petitioner was neither named in the secret information nor was named

CASE HEARD THROUGH VIDEO CONFERENCING

in the FIR and therefore, in view of the judgment of the Hon'ble Supreme Court in “*Tofan Singh vs State of Tamil Nadu*”, passed in **Criminal Appeal No.152 of 2013**, decided on 29.10.2020, it will be a matter of trial whether the said disclosure statement of the co-accused is admissible against the petitioner or not.

Counsel for the State, on instructions from ASI Balwinder Singh, has not disputed the factual position but opposed the prayer for bail.

Considering the fact that the petitioner is not involved any other case; he is the first offender; he was neither named in the secret information nor named in the FIR, this petition is disposed of and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today and he shall be released on interim bail on his furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

15.01.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No