

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

CRM-M-3387-2020 (O&M)
Date of Decision:-26.7.2021

Maninderpal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Kapila, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Paramjit 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 vide FIR No.0134 dated 10.8.2019 at Police Station Adampur, District Jalandhar Rural under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. As per FIR the police intercepted a vehicle on 10.8.2019, which was being driven by Gurcharan Singh @ Vicky and from the search of driver 200 grams of 'heroin' was recovered. It is further the case of prosecution that during the course of interrogation said Gurcharan Singh @ Vicky disclosed that he had procured the said 'heroin' from the petitioner Maninderpal Singh.

3. Learned counsel for the petitioner has submitted that the petitioner was never ever arrested at the spot and has been nominated as an accused on the basis of a disclosure statement, which would hardly carry any evidentiary value.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named by Gurcharan Singh @ Vicky, from whom 200 grams of '*heroin*' was recovered, no case for grant of bail is made out particularly since the petitioner happens to be involved in one more FIR pertaining to recovery of 15 grams of '*heroin*'.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that it is a case of nomination of the accused on the basis of disclosure statement. The veracity and admissibility of such disclosure statement would be debatable. In any case, since the petitioner has already joined investigation his custodial interrogation is not warranted in view of the facts and circumstances of the case. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 27.1.2020 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.

26.7.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No