

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

203

CRM-M-6399-2020

Date of Decision: 28.06.2021

Rahul Aggarwal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gursimranjit Singh, Advocate,
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab
assisted by ASI Gurjit 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.148 dated 31.08.2019 at Police Station Division No.3, Ludhiana under Section 21/29 NDPS Act.
2. As per FIR, a secret information was received by the police to the effect that one Amit Sachdeva, Ishan and Reena indulged in sale of intoxicant capsules and tablets, which they used to purchase from outside and that on the given date, Amit Kumar and his companions were in possession of huge quantity of such intoxicant capsules and tablets and that they had parked their Verna car in a vacant plot. Pursuant to receipt of said information, the aforesaid 3 accused namely Amit Sachdeva, Ishan and Reena were

apprehended by the police and 124000 intoxicant tablets of 'Tarmadol' were recovered. It is further the case of the prosecution that during the course of interrogation, the accused disclosed that the intoxicant tablets used to be delivered to them through courier sent by the petitioner from Agra.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and was never ever apprehended at the spot and nor recovery was effected from him. It has further been submitted that the disclosure statement of the co-accused on the basis of which he has been nominated would hardly carry any evidentiary value in the absence of any other convincing evidence which is absolutely missing in the instant case and that as such the petitioner deserves the concession of anticipatory bail.
4. Opposing the petition, the learned State counsel has submitted that since it is a case of recovery of huge quantity of intoxicant from the co-accused and who have all nominated the petitioner as the supplier, no case for grant of anticipatory bail is made out. Learned State counsel has, however, informed that the petitioner has since joined investigation and that he is not wanted in any other case. Learned State counsel has, however, added that the petitioner is not disclosing the name of the source from which he used to procure the intoxicant tablets.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that the petitioner was never caught red-handed and has been nominated on the basis of disclosure statement only, the veracity and admissibility of which would be debatable and while also noticing that the petitioner has already 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 13.02.2020 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.

28.06.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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