

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

CRM-M-9433-2021 (O&M)
Date of Decision:-6.9.2021

Amritpal Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S. Virk, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Madan Lal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.106 dated 27.9.2019 at Police Station Odhan, District Sirsa under Sections 22-B/61/85 of Narcotic Drugs & Psychotropic Substances Act, wherein it is alleged that 300 tablets of 'Tramadol' were recovered from Kulwant Singh and who, upon interrogation, disclosed that the same had been supplied to him by the petitioner Amritpal Singh.
2. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated on the basis of a

disclosure statement made by co-accused Kulwant Singh, which would hardly carry any evidentiary value.

3. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named by co-accused Kulwant Singh from whom the recovery was effected, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has joined investigation and that there is no other case registered under NDPS Act against the petitioner.
4. Having regard to the facts and circumstances of the case especially that the petitioner was never arrested at the spot and has been nominated on the basis of a disclosure statement, the evidentiary value of which would be debatable and the fact that he 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 1.3.2021 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.

6.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No