

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

204

CRM-M-6903-2020

Date of Decision: 28.06.2021

Sukhmander Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. P.K.S.Phoolka, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(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.96 dated 26.11.2019 at Police Station Nandgarh, Bathinda, under Section 22/29 of the NDPS Act.
2. It is the case of prosecution that one person namely Sandeep Singh was caught by the police during the course of *Nakabandhi* and who was found in possession of 240 intoxicant tablets of TRIO-SR containing 'Tramadol'. It is the case of prosecution that during the course of interrogation, the said accused disclosed that he has procured the aforesaid contraband from the petitioner Sukhwinder Singh @ Babbu.
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 any 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 and as such the petitioner deserves the concession of anticipatory bail.

3. Opposing the petition, learned State counsel has submitted that since it is a case of recovery of huge quantity of intoxicant tablets from the co-accused and who has nominated the petitioner, 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.
4. I have considered rival submissions addressed before this Court.
5. 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 17.02.2020 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**