

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

**CRM-M-18014-2021
Date of decision: 29.04.2021**

Mandeep Singh @ Babu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

(through video conferencing)

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.

Learned counsel for the petitioner relies upon order dated 15.01.2021 passed in CRM-M-2052-2021, vide which similarly situated co-accused Som Nath @ Kala has been granted concession of anticipatory bail by this Court. The operative part of the order reads as under:

“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 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."

For the sake of brevity, the facts are not detailed here again.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and, on instructions from the Investigating Officer, submits that the petitioner is a first offender and he is not involved in any other case. He further submits that the name of the petitioner surfaced in the case on the disclosure made by co-accused Avtar Singh @ Gagan.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the fact that petitioner is a first offender; he is not involved in any other case and also in view of the fact that similarly situated co-accused has already been granted concession of anticipatory bail as noticed above, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

29.04.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No