

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

210

CRM-M-21424-2021

Date of Decision: 07.10.2021

Gurbakhash Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Prateek Pandit, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Tarlochan 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.51 dated 21.04.2021 at Police Station Special Task Force, STF Wing Mohali, under Section 21(b)/29 of the NDPS Act.
2. At the time of issuance of notice of motion, the following order was passed:

“Learned counsel for the petitioner contends that as per the case of the prosecution a woman and a young man were apprehended while they were sitting in a car and while the woman disclosed her name as Teresa, the man accompanying her disclosed his name as Gurmeet Singh. It is further the case of prosecution that the personal search of the aforesaid two yielded recovery of 200 grams of ‘Heroin’ from Teresa apart from an amount of Rs.3,96,200/-.

It is further the case of prosecution that during the course of interrogation the aforesaid Teresa is alleged to have disclosed that the contraband was to be delivered to one Babu Singh. It is

further the case of prosecution that said Babu Singh was arrested who disclosed the name of the petitioner.

Learned counsel for the petitioner contends that no sanctity can be attached to such like nomination of the petitioner on the basis of disclosure statement when there is no other corroborative evidence to connect him with the alleged recovery effected from co-accused.

Notice of motion for 7.10.2021.

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3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that the petitioner stands involved in 3 other cases under the NDPS Act. It has further been informed that the contraband recovered in 2 cases was 4 grams ‘heroin’ each, whereas in the third case, the contraband recovered was 100 grams in the shape of powder.
4. Having regard to the aforestated position wherein the petitioner has been nominated on the basis of a disclosure statement, the veracity and admissibility of which would be debatable and while also noticing that the petitioner has joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 28.05.2021 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.

07.10.2021

Vimal

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No