

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

**CRM-M-22219-2021
Date of decision: 04.06.2021**

Tarun Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 106 dated 07.04.2021, registered under Section 21 of the NDPS Act, 1985 at Police Station Kotwali Patiala, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended co-accused Lovish Dhiman @ Gaurav and recovered 500 grams of smack.

It is further submitted that on the disclosure of the aforesaid co-accused, the name of the petitioner surfaced and he has been arrayed as an accused in this case.

Learned counsel further submits that petitioner has a clean antecedents and has no such record of involvement in any case under the NDPS Act.

Learned State counsel could not dispute the factual position that the petitioner is not involved in any other case and he has been nominated on the disclosure of aforesaid co-accused.

After hearing learned counsel for the parties, without expressing any opinion on the merits of the case, considering the aforesaid facts and submissions made by both the parties and also considering the fact that in view of the judgment rendered by Hon'ble Supreme Court in ***Tofan Singh vs. State of Tamil Nadu, 2013 (9) SCR 962***, it will be a matter of trial whether disclosure made by a co-accused will be admissible against the petitioner or not, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the 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.

04.06.2021*Waseem Ansari***(ARVIND SINGH SANGWAN)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*