

104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.24369 of 2021 (O&M)

Date of decision: 30.06.2021

Pardeep Singh @ Mali

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amardeep Hooda, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.600 dated 21.12.2020 registered under Sections 22(c)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station City Tohana, District Fatehabad.

Counsel for the petitioner has argued that the petitioner is serving in All India Institute of Medical Sciences (AIIMS), Rai Bareli, Uttar Pradesh and he is involved in this case on the basis of the disclosure statement of the co-accused Sukhjit Singh @ Sukhi, who along with Manjeet Singh son of Kitab Singh were apprehended by the police party and recovery of 1500 intoxicant tablets was effected. It is further submitted that Manjeet Singh has already been granted the concession of regular bail vide order dated 11.02.2021 passed in CRM-M No.5611 of 2020, noticing the fact that he is not the owner or driver of the scooty from where the recovery was effected as it was in the possession of the co-accused Sukhjit Singh @ Sukhi, who was driving

CASE HEARD THROUGH VIDEO CONFERENCING

the same.

Counsel for the petitioner has also argued that except for the present case, the petitioner is not involved in any other case and only on the basis of the disclosure statement, the petitioner has been nominated in the case as an accused as he has sold the said intoxicant tablets to the co-accused. It is further submitted that the petitioner is a young person and his entire service career is at stake and he has been nominated in the case due to some personal enmity.

Counsel for the petitioner has referred to the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh vs State of Tamil Nadu”***, 2013(4) RCR (Criminal) 631, to submit that it will be a debatable issue whether the disclosure statement made by the co-accused will be admissible against the petitioner as no recovery is to be effected from the petitioner.

Notice of motion.

Ms. Tanushree Gupta, DAG, Haryana, who is present in the Court accepts notice on behalf of the respondent and on instructions from ASI Mahavir Singh, has not disputed the factual position. It is further submitted that the petitioner is not involved in any other case under the NDPS Act and the only evidence against the petitioner is the disclosure statement of the co-accused.

After hearing the counsel for the parties, considering the facts and circumstances of the case and also in view of the fact that the petitioner is not involved in any other case under the NDPS Act and in view of the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh's case (supra)***, this petition is allowed and the petitioner is

CASE HEARD THROUGH VIDEO CONFERENCING

directed to join investigation within a period of 10 days and he shall be released on interim bail subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

(ARVIND SINGH SANGWAN)
JUDGE

30.06.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No