

106

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.24453 of 2021 (O&M)

Date of decision: 30.06.2021

Naman @ Naman Taneja

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Sidhu, 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.43 dated 21.05.2021 registered under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Khui Khera, District Fazilka.

Counsel for the petitioner has argued that the FIR was registered at the instance of ASI Kewal Krishan that when they were on a patrol duty, they received a secret information that the co-accused Gurmeet Singh is habitual of selling the intoxicant tablets and if a raid is conducted, he can be apprehended with huge quantity of intoxicant tablets. On receiving the information, a ruqa was sent to the Police Station for registration of the FIR and thereafter, Gurmeet Singh was arrested and recovery of 1000 intoxicant tablets was effected. It is further submitted that Gurmeet Singh was arrested on 21.05.2021 and after a gap of about 15 days when the police remand was already over, a disclosure statement of Gurmeet Singh was recorded on 04.06.2021 that it is the petitioner, who has supplied the intoxicant tablets to him.

CASE HEARD THROUGH VIDEO CONFERENCING

Counsel for the petitioner has further argued that the petitioner is a young man aged about 21 years and has no history of involvement in any other case under the NDPS Act. It is further submitted that the petitioner has lost his parents one year ago in a road accident and he is taking care of his family business and his wife is also pregnant and therefore, the petitioner, who is actively taking care of his family business, had no occasion to involve in such type of activities.

Counsel for the petitioner has also submitted that the fact that the disclosure statement was recorded when the police remand was already over and later on, a DDR dated 05.06.2021 was recorded to nominate the petitioner as an accused in the present case by invoking the offence under Section 29 of the NDPS Act to show that the petitioner during the police remand of the main accused Surjit Singh was never sought to be implicated in the case and the entire proceedings qua the petitioner is an afterthought.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and on instructions from the Investigating Officer, has argued that the petitioner is not involved in any other case. It is further submitted that the disclosure statement was recorded on 04.06.2021 and thereafter by recording a DDR, the petitioner was nominated as an accused under the aid of Section 29 of the NDPS Act.

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 and he was nominated after

CASE HEARD THROUGH VIDEO CONFERENCING

15 days of the registration of the FIR, on the basis of the disclosure statement and in view of the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh vs State of Tamil Nadu”***, 2013(4) RCR (Criminal) 631, this petition is allowed and the petitioner is 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