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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.24594 of 2021 (O&M)

Date of decision: 01.07.2021

Ranjit Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.P.S. Virk, 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.274 dated 24.05.2021 registered under Section 15 of the NDPS Act (Section 29 of the NDPS Act added later) at Police Station Pundri, District Kaithal.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party while on patrol duty received a secret information that the co-accused Angrej Singh @ Dilbag Singh is indulged in the business of selling narcotic substance like poppy husk at his shop and if a raid is conducted immediately, then poppy husk can be recovered from him. Upon this, a notice under Section 42 of the NDPS Act was sent to the higher officials and a raiding party was prepared and reached the grocery shop of Angrej Singh and there a person having a description of Angrej Singh as per the secret informer was seen holding a white polythene bag in his right hand and after lowering the shutter of his shop, he started walking away. On seeing the police party, he threw the polythene bag in front of his shop and ran

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away towards the village. Despite a chase made by the police officials, he succeeded in running away.

Counsel for the petitioner has further submitted that thereafter, the police recovered 4.500 Kgs of poppy husk from the polythene bag which was thrown by the said Angrej Singh. It is further argued that later on, Angrej Singh was arrested by the police and he suffered a disclosure statement.

Counsel for the petitioner has also argued that in the first disclosure statement, the name of the petitioner did not surface, however, in the second disclosure statement, he named the petitioner as a seller of the poppy husk. It is also submitted that the petitioner, on an earlier occasion, was also involved in FIR No.175, on the basis of the disclosure statement of the co-accused and he was granted the concession of anticipatory bail.

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 or not.

Notice of motion.

Ms. Tanushree Gupta, DAG, Haryana, who is present in the Court accepts notice on behalf of the respondent and argued that the petitioner is involved in one more case registered under the Arms Act and Section 353 IPC, however, it is not disputed that the petitioner was neither named in the secret information nor was found present at the spot and his name figured in the disclosure statement. It is also not

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disputed that the recovery from the polythene bag was also not effected even in the presence of the main accused – Angrej Singh @ Dilbag Singh, who fled away from the spot.

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's name surfaced in the disclosure statement of the co-accused 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 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

01.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No