

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

**CRM-M-28842-2021
Date of decision: 26.07.2021**

Balwinder Singh @ Balvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jimmy Singla, 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. 0036 dated 13.05.2021, registered under Section 22 of the NDPS Act, 1985 at Police Station Khanauri, District Sangur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Mukhtiar Singh, ASI STF, Patiala, it is stated that while on patrol duty, he and his co-officials were checking for the drug smugglers. At about 2:30 PM, a motorcycle, driven by a Sikh youngman, was seen coming from the side of village Chattha and a youngman was sitting as a pillion rider. On this, ASI Mukhtiar Singh signalled to stop the motorcycle, however, the motorcyclist stopped the same about 20 yards before the police party and tried to turn back the motorcycle and thereafter, the person, who was sitting on the back seat, threw a transparent envelope on the road, out of which, several strips

of white and orange color intoxicant tablets scatarred there. The complainant/ASI with the help of his co-officials apprehended the driver of the motorcycle bearing registration number PB-39-E-2638 and thereafter, on inquiry, he disclosed his name as Harjeet Singh @ Jeet and further disclosed that the person, who was sitting on the back, was Angrej Singh @ Jeeti. Thereafter, by following the procedure, a recovery of 500 intoxicant tablets make Celcidal 100 SR and 400 intoxicant tablets of Alprasafe 0.5 were recovered. During investigation, the co-accused further disclosed that he has purchased the said contraband from the present petitioner.

Learned counsel for the petitioner further submits that petitioner is not involved in any other case and he has been nominated on the disclosure of aforesaid co-accused, who was arrested at the spot, hence, in view of the judgment of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu, 2013 (9) SCR 962***, it will be a matter of trial whether disclosure of a co-accused is admissible against another co-accused, who was not present at the spot.

Learned State counsel, on instructions from ASI Malkeet Singh, could not dispute the fact that petitioner is not involved in any other case and he has been nominated on the disclosure of aforesaid co-accused, who was arrested at the spot.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the aforesaid submissions made by both the counsels, the present petition is allowed and 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.

26.07.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No