

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

CRM-M-34954-2021

Date of Decision:- **8.11.2021**

KARAN ALIAS KALI ALIAS KARAN KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed by the petitioner under
Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.31 dated
31.01.2021 registered under Sections 21-C & 29 NDPS Act at Police Station
B Division, District Amritsar.

Vide order dated 26.08.2021 passed by this Court, *ad-interim*
anticipatory bail was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of order dated 26.08.2021 passed by this Court, the petitioner has joined the investigation. It is further submitted that the petitioner was named as accused in the present case on the basis of disclosure statement alleged to be made by co-accused Rajat Kumar, who was arrested on the spot by the police along with 290 grams of Heroin on 31.01.2021. The counsel for the petitioner further submitted that as per the aforesaid disclosure of the co-accused, the abovesaid Heroin was jointly purchased by the petitioner and Rajat Kumar from Vishal. The counsel for the petitioner while relying upon judgments of Hon'ble Supreme Court passed in Tofan Singh vs. State of Tamil Nadu, 2021(4)) SCC 1 and Surinder Kumar Khanna vs. Intelligence Officer Directorate of Revenue Intelligence, 2018(3) RCR (Criminal) 954 contended that confessional statement of co-accused Rajat Kumar is not applicable against the petitioner.

Learned State counsel while opposing the prayer for grant of anticipatory bail to the petitioner, made statement on the instructions of ASI Amrik Singh that the petitioner has joined the investigation with the police in compliance of order dated 26.8.2021 and that he is not named by the police in any other case under NDPS Act at present.

I have heard the learned counsel for the parties.

As noticed above, in the present case, the petitioner was nominated as accused on the disclosure alleged to be made by co-accused Rajat Kumar to the effect that both of them purchased the recovered Heroin from Vishal. The case of the prosecution is that 290 grams of Heroin was recovered from Rajat Kumar who was apprehended by the police on

31.01.2021. It is not the case of the prosecution that the petitioner escaped from the spot of aforesaid recovery.

In view of the above, considering the fact that the petitioner is not involved in any other case under the NDPS Act; he has been arraigned as accused in the case on the basis of disclosure statement of the co-accused and in view of the judgment of Hon'ble Supreme Court in Tofan Singh's case (supra), the present petition is allowed, without commenting on the merits of the case. The order dated 26.08.2021 granting interim bail to the petitioner is hereby made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

8.11.2021
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No