

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

**CRM-M-38857-2021
Date of decision: 20.09.2021**

Rampal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 170 dated 25.08.2021, registered under Section 18 of the NDPS Act, 1985 at Police Station Jamalpur, District Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police apprehended one co-accused, namely Shiv Kumar, and recovered 400 grams of opium.

Learned counsel for the petitioner further submits that thereafter, on the disclosure of the aforesaid co-accused, the name of the petitioner surfaced in this case and he is not involved in any other case.

It is further submitted that even the recovery, effected from the aforesaid co-accused, falls under the ambit of non-commercial quantity.

Learned counsel for the petitioner relies upon a judgment rendered by Hon'ble Supreme Court in *Tofan Singh vs. State of Tamil Nadu, 2013 (9) SCR 962* to submit that it will be a matter of trial whether

the disclosure made by a co-accused is admissible against another accused or not.

Learned State counsel, on instruction from the Investigating Officer, has not disputed the factual position. It is also not disputed that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, considering the aforesaid facts and also in view of the judgment rendered in *Tofan Singh's* case (supra), 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.

20.09.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No