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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.40623 of 2021 (O&M)

Date of decision: 29.09.2021

Rahul Mehra @ Pendu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, 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.158 dated 18.08.2021 registered under Sections 21(b)/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station Civil Lines, District Bathinda.

Counsel for the petitioner has argued that the petitioner has clean antecedents and he is not involved in any other case under the NDPS Act. It is further submitted that as per the allegations in the FIR, which was registered at the instance of ASI Harinder Singh, while on a patrol duty one Gurvinder Singh was arrested and 50 grams of Heroin was recovered. It is also submitted that later on, in the disclosure statement of the said Gurvinder Singh, the name of the petitioner surfaced as the supplier of the contraband. Counsel for the petitioner has relied upon the judgment *“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

CASE HEARD THROUGH VIDEO CONFERENCING

admissible against the petitioner or not.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and could not dispute the factual position. It is also not disputed that the petitioner is not involved in any other case and his name surfaced only in the disclosure statement of the co-accused.

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 nominated in the case on the basis of the disclosure statement of the co-accused and in view of the judgment of the Hon'ble Supreme in ***“Tofan Singh's case (supra)***, this petition is allowed and the petitioner is directed to appear before the Investigation Officer within a period of 10 days from today to join the investigation and he will be released on interim bail on furnishing bail/surety bonds to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.09.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No