

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38267-2020

Date of Decision: 11.01.2021

Pawan Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Gurdarshan S. Sidhu, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.371 dated 27.10.2020, under Section 15-B of the NDPS Act, registered at Police Station Sadar Dabwali, District Sirsa.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and there is no other case pending against the petitioner but it was only on the basis of disclosure statement of the co-accused that he has been nominated after some time. He has further submitted that even otherwise the alleged recovery in the present case was of 10 Kg and 500 grams of poppy husk, which is of non-commercial quantity. He has further submitted that the disclosure statement of the co-accused is not admissible in evidence in view of the law laid down by the Hon'ble Supreme Court in **Tofan Singh Vs. State of Tamil Nadu**,

2021(1) R.C.R. (Criminal) 1.

Notice of motion was issued in the present case and interim protection was granted to the petitioner on 19.11.2020.

Today, Mr. Munish Sharma, Assistant Advocate General, Haryana, has submitted, on instructions from ASI Shailender, that in pursuance to the order dated 19.11.2020, the petitioner has already joined the investigation and he has cooperated with the investigation process and that he is not required for custodial investigation.

In view of the stand taken by the learned State counsel, the present petition is allowed and the order dated 19.11.2020 is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

11.01.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No