

105

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.46214 of 2021 (O&M)

Date of decision: 03.11.2021

Amandeep Singh @ Aman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vishva Bahl, 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.0002 dated 05.01.2021 registered under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station Cantonment, District Amritsar.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party on seeing a person coming on a motorcycle tried to stop him and noticed that he became perplexed and tried to turn his motorcycle back and in that process, he tried to throw a polythene from his right pocket and on suspicion, he was apprehended and he disclosed his name as Ramandeep Singh @ Raja and thereafter, the Investigating Officer gave him a notice under Section 50 of the NDPS Act and his search was conducted and 10 gms of Heroin was recovered from him. It is further submitted that the name of the petitioner surfaced in the case on the basis of the disclosure statement of the co-accused that he has procured the same from the petitioner. It is

also argued that the petitioner is not involved in any other case and is a first offender. 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 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.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No