

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

**CRM-M-324-2022
Date of decision: 07.01.2022**

Satpal**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Rajnish Gupta, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0160 dated 29.11.2021, registered under Section 18 of the NDPS Act, 1985 at Police Station GRP Ambala Cantt., District Ambala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, headed by Jaibir Singh, Inspector CIA, GRP, Ambala Cantt., while on patrol duty, received a secret information that a person named Hari Ram Joshi, resident of Madhya Pradesh, is indulged in supplying opium in Punjab and Haryana by bringing the same from Madhya Pradesh. Relying upon the said information, a notice under Section 42 of the NDPS Act was prepared and thereafter, one Shiv Kumar was joined as independent witness and recovery of 4 Kgs. 53 grams of opium was effected. Thereafter, on the basis of the disclosure made by the said co-accused that he was to supply the said contraband to the petitioner and other co-accused, the name of the petitioner surfaced in the

present case.

Learned counsel further submits that though the was previously involved in some other cases relating to the years 1997 and 1999, however, he stands acquitted in the said cases and presently, there is no other case against him.

Learned counsel further submits that the petitioner is suffering from major health issues and relies upon medical records of PGIMER, Chandigarh as well as Alchemist Hospital, Panchkula, which suggest that he is under constant medical treatment relating to liver cirrhosis.

Learned State counsel could not dispute the factual position that the petitioner was nominated on the disclosure of co-accused Hari Ram Joshi, from whom the recovery was effected. It is also not disputed that the petitioner is presently not involved in any other case.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid facts and also in view of the judgment rendered in ***Tofan Singh vs. State of Tamil Nadu, 2013 (9) SCR 962***, the present petition is allowed. The petitioner is granted the 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.

07.01.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No