

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

**CRM-M-4202-2022
Date of decision: 02.02.2022**

Deepak Kumar @ Radhey

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Mamli, 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. 0006 dated 09.01.2022, registered under Sections 21(B), 27-A of the NDPS Act, 1985 at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police apprehended one Kuldeep Singh on suspicion and recovered 50 grams of heroin. It is further submitted that later on, said Kuldeep Singh suffered a disclosure that he has procured the contraband from one Parveen Kumar and after the arrest of Parveen Kumar, he made a further disclosure that he has taken the same from the petitioner.

Learned counsel further submits that even the recovery effected from the main accused is of non-commercial quantity and the petitioner is not involved in any other case and it will be a matter of trial whether the disclosure of a co-accused is admissible against the petitioner or not in view of the judgments rendered in *Tofan Singh vs. State of Tamil Nadu, (2021)*

4 SCC 1 and State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69.

Learned State counsel, on instructions from ASI Sube Singh, has not disputed the factual position as well as the fact that petitioner is not involved in any other case and he was nominated on the basis of the disclosure of co-accused Parveen Kumar, who was also nominated by main accused Kuldeep Singh.

After hearing learned counsel for the parties and considering the aforesaid facts and circumstances, 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.

02.02.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No