

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-5881-2022

Date of decision : 29.03.2022

Sanjiv Kumar alias Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Pardeep Kumar Kapila, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.010 dated 20.01.2022 registered under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Jhunir, District Mansa.

On 11.02.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner inter alia contends that no recovery has been effected from the petitioner and the petitioner has been implicated only on the basis of disclosure statement made by the co-accused from whom the alleged recovery has been effected. He has relied upon the judgment passed by the Hon'ble Supreme Court in **Tofan Singh Vs. State of Tamil Nadu**, reported as **2021(1) RCR (Criminal) 1**, an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M- 12051-2020 titled **“Mewa Singh Vs. State of Punjab”**, and an order of another Coordinate Bench dated 16.07.2021 passed in **CRM-M-12997-2020** titled as **“Daljit Singh Vs. State of Haryana”** to contend that in such like cases if a person has only been proceeded against on*

the basis of disclosure statement of co-accused and no recovery has been effected from the petitioner, then he should be granted the benefit of anticipatory bail.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions. Adjourned to 29.03.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State Counsel is directed to verify the fact as to whether there are any call details between the petitioner and the person from whom the alleged recovery has been effected and as to whether there is any prima facie material to implicate the petitioner other than the disclosure statement.

(VIKAS BAHL)
JUDGE”

11.02.2022

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined investigation.

Learned State counsel, on instructions from SI Ganga Ram, has submitted that the petitioner has joined investigation on 15.02.2022 and is not required for further investigation. It is further submitted that as on date there is no document /evidence with the investigating agency to show the details of any calls between the petitioner and the person from whom the recovery has been effected.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 11.02.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 29, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No