

203

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

CRM-M-6649-2022 (O&M)
Date of decision : 23.03.2022

Harpal Singh @ Pali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.454 dated 08.09.2021 registered under Sections 22/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Barnala, District Barnala.

On 17.02.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that although, the name of the petitioner was mentioned as per the secret information alongwith the name of the co-accused but the petitioner was neither found at the spot nor any recovery was effected from him. It is further submitted that the petitioner has been implicated in the case on the basis of disclosure statement and there is no other material against the petitioner with regard to the said crime.

*Learned counsel for the petitioner 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. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 23.03.2022.

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 as to whether there are any call details between the petitioner and the co-accused from whom the alleged recovery has been effected."

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 17.02.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Gurcharan Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 17.02.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 17.02.2022 is ordered to be made absolute.

However, 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 application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

23.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No