

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

**CRM-M-10098-2021
Date of decision: 11.02.2022**

Parveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Rinky Gupta, Advocate for
Mr. P. S. Jammu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.174 dated 18.08.2020 (Annexure P-1) for the offence under Section 22 of NDPS Act registered at Police Station Nathusari Chopta, Sirsa.

The operative part of the order dated 04.03.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner inter alia contends that it is a case of chance recovery wherein 180 capsules of Tramadol Hydrochloride Diclofenac Sodium Dicyclomin Hydrochloride Chlorpheniramine Maleate Capsules were recovered from the conscious possession of co-accused Sanjay Kumar. Learned counsel further contends that neither was the petitioner present at the time of alleged recovery nor any contraband recovered from him thereafter. In fact, the petitioner was nominated as an accused on the basis of disclosure statement allegedly

made by co-accused Sanjay Kumar wherein he stated that he had procured the said contraband from one Sonu r/o Sonri (Rajasthan) whose mobile phone number was 8003489342. Learned counsel submits that though co-accused Sanjay gave the mobile number of the petitioner but the petitioner was not known as Sonu nor was he a resident of Sonri. It has also been stated that the petitioner has no connection with the alleged recovery nor was he related or known to the co-accused Sanjay Kumar. Learned counsel has further submitted that the disclosure statement on the basis of which the petitioner has been nominated as an accused has very weak evidentiary value. Not only this, it has been contended that the petitioner has clean antecedents inasmuch as he is not involved in any other criminal case much less under the NDPS Act.

Notice of motion for 05.07.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 04.03.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner further submits that the petitioner was involved on the basis of the disclosure of a co-accused, therefore, in view of the judgments rendered by Hon'ble Supreme Court 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***, it will be a matter of trial whether the disclosure of the co-accused will be admissible against the petitioner or not.

Learned counsel for the State, on instructions from ASI Sube Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further

investigation.

In view of the above, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 04.03.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

11.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No