

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11647-2022
Date of decision : 09.05.2022

Kuldeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rajdeep Singh Gill, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

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.41 dated 13.02.2022 registered under Sections 22-C, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (in short "NDPS Act") at Police Station Jakhal, District Fatehabad.

On 21.03.2022, this Court was pleased to pass the following order:-

"Learned counsel for the petitioner inter alia submits that in the present case, no recovery has been effected from the petitioner and the alleged recovery has been effected from Major Singh and Sandeep Kumar who also in their disclosure statement have stated that they had purchased the intoxicant tablets from co-accused Vishal @ Monu. It is further argued that it is the said co-accused Vishal @ Monu who had made disclosure statement that he had purchased intoxicant tablets from the present petitioner. It is submitted that even no recovery has been effected from Vishal @ Monu and the disclosure statement made by him is not an

*admissible piece of evidence. 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. Munish Sharma, AAG, Haryana accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 09.05.2022.

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.

21.03.2022 **(VIKAS BAHL)**
JUDGE"

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

Learned State counsel, on instructions from SI Ram Kumar, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 21.03.2022, 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

May 09, 2022
Davinder Kumar

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