

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

**CRM-M-13243-2022  
Date of decision: 30.03.2022**

**Joginder Singh @ Bhai**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. I. P. S. Kohli, Advocate &  
Mr. Sarabjeet Singh, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of anticipatory bail in FIR No. 23 dated 11.02.2022, registered under Sections 21(b) and 29 (*added later on*) of the NDPS Act, 1985 at Police Station Sultanpur, District Kapurthala.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, headed by ASI Gurdeep Singh, apprehended one Jaswant Singh @ Sonu and effected recovery of 50 grams of heroin.

Learned counsel further submits that the petitioner is nominated in this case on the disclosure of aforesaid 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 a co-accused is admissible against

the petitioner or not.

Learned counsel for the petitioner further submits that the petitioner is aged about 48 years and has no criminal antecedents of involvement in any other case and he has falsely been implicated in this case on the basis of the aforesaid disclosure.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position that the petitioner is nominated on the disclosure of aforesaid co-accused and that he is not involved in any other case.

After hearing learned counsel for the parties, considering the aforesaid facts and also in view of the ratio of law laid down by Hon'ble Supreme Court in aforesaid judgments, 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.

30.03.2022

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*