

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-17617-2022 (O&M)  
Date of decision: 28.04.2022

Shafee

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv Gupta, Advocate  
for the petitioner.

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

Prayer in this petition is for grant of anticipatory bail in FIR No.0197 dated 19.03.2022 under Section 22 of NDPS Act, registered at Police Station Thanesar Sadar, District Kurukshetra.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Dharambir, he received a secret information that one Takath Singh is indulged in the business of selling and consuming intoxicant tablets and he is coming from Karnal in a bus, by taking intoxicant tablets, which were purchased by him from UP and can be

apprehended with huge quantity of narcotics. Thereafter, an information was sent to the police station for registration of FIR and Takath Singh was apprehended and recovery of 1740 of intoxicant tablets was effected. It is further submitted that co-accused Takath Singh made his first disclosure statement on 19.03.2022 and did not name the petitioner, however, in the second disclosure statement, he named the petitioner, from whom he purchased the intoxicant tablets.

Learned counsel has further submitted that the petitioner is running a medical store under a licence issued by the Drug and Control Officer, Saharanpur and has no previous history of involvement in any such or similar criminal case. It is also submitted that only evidence against the petitioner is disclosure statement of co-accused Takath Singh and the same is not admissible. In this regard, learned counsel has relied upon a judgment of the Hon'ble Supreme Court in *Tofan Singh Vs. State of Tamil Nadu, 2013(4) RCR (Criminal) 631*, to submit that it will be a debatable issue whether the disclosure statement made by co-accused will be admissible against the petitioner or not.

Notice of motion.

On asking of the Court, Mr. Deepak Grewal, DAG, Haryana accepts notice on behalf of the respondent-State and on instructions from ASI Surinder, he could not dispute the fact that the petitioner was nominated in the FIR subsequently on the basis of disclosure statement of aforesaid co-accused and is not involved in any other case.

After hearing learned counsel for the parties and considering the aforesaid submissions made by them, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

28.04.2022  
*vishnu*

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No