

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19535-2022 (O&M)
Date of decision: 09.05.2022

Mahinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.13 dated 12.02.2022 under Section 22 of NDPS Act (Section 29 of NDPS Act was added later on), registered at Police Station Sherpur, District Sangrur.

Learned counsel for the petitioner that as per allegations in the FIR, registered at the instance of ASI Yadwinder Singh, while on patrol duty, on suspicion, he apprehended one person namely Mandeep Singh @ Bheepa, from whom, recovery of 50 strips of Tramadol containing 10 tablets each, total 500 tablets and 500 loose tablets was effected. It is further submitted that the petitioner was nominated in the FIR on the basis of disclosure statement of aforesaid co-accused and 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. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed the factual position.

After hearing learned counsel for the parties and considering the aforesaid submissions, 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.

[ARVIND SINGH SANGWAN]
JUDGE

09.05.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No