

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

CRM-M No.20268 of 2022 (O&M)

Date of decision: 12.05.2022

Harjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.60 dated 16.04.2022 registered under Sections 18/29 of the NDPS Act, at Police Station City Moga, District Moga.

Counsel for the petitioner has argued that the petitioner is the first offender and his name surfaced in the disclosure statement of the co-accused Gurbhej Singh and Lakhwinder Singh @ Lakha, who were apprehended at the spot and recovery of non-commercial quantity of 01 Kg of Opium was effected.

Counsel for the petitioner has relied upon the judgment *“Tofan Singh vs State of Tamil Nadu”, 2021(4) SCC 1*, to submit that it will be a debatable issue whether the disclosure statement made by the co-accused will be admissible against the petitioner or not.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and could not dispute the factual position but opposed the prayer for bail on the

ground that the petitioner is involved in one case under the IPC and not under the NDPS Act.

After hearing the counsel for the parties, considering the fact that the petitioner is the first offender; his name surfaced in the disclosure statement of the co-accused and in view of the judgment of the Hon'ble Supreme in *Tofan Singh's case (supra)*, this petition is allowed and the petitioner is directed to appear before the Investigation Officer within a period of 10 days from today to join the investigation and he will be released on interim bail on furnishing bail/surety bonds to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

12.05.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No