

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

**CRM-M-21086-2022
Date of decision: 17.05.2022**

Krishan Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. V. B. Godara, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 221 dated 05.05.2022 registered under Sections 15 and 27-A of the NDPS Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Major Singh, it is stated that while on a patrol duty along with co-officials, he received a secret information that Raja Ram @ Rajia, who is indulged in selling poppy husk, is present in a field and he can be apprehended while selling poppy husk. Thereafter, the aforesaid accused was apprehended and recovery of 21 kgs. of poppy husk was effected.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and his name surfaced in this case on the disclosure of aforesaid co-accused Raja Ram @ Rajia, who stated that he has purchased the contraband from the petitioner.

Learned counsel for the petitioner further submits that 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 disclosure of the co-accused is admissible against the petitioner or not.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and does not dispute the factual position, however, it is submitted that petitioner is involved in one more case i.e. under the provisions of IPC.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that the petitioner is not involved in any other case under the NDPS Act and also in view of the ratio of law as laid down by Hon'ble Supreme Court in aforesaid judgments, the present 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.

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.

17.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No