

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

**CRM-M-21357-2022
Date of decision: 18.05.2022**

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanjay Verma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 259 dated 05.03.2022, registered under Section 21 of the NDPS Act, 1985 at Police Station Shahabad, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner is not involved in any other case and the FIR was registered on the basis of a secret information received by ASI Surjit Singh that one Aman is indulged in consuming and selling smack and he can be apprehended. Later on, on the basis of the said information, said Aman was arrested and 9.10 grams of smack was recovered.

Learned counsel further submits that the petitioner was nominated on the disclosure of aforesaid co-accused Aman, who has already been granted the concession of regular bail by the trial Court.

Learned counsel for the petitioner further submits that except for the disclosure of aforesaid co-accused, there is no other evidence against 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. Chetan Sharma, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and does not dispute the factual position.

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.

18.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No