

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

**CRM-M-22480-2022
Date of decision: 23.05.2022**

Parvinder Singh @ Babbu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Davneet Sangwan, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 25 dated 30.01.2022, registered under Sections 21-B and 29 of the NDPS Act, 1985 at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner is a labourer by profession and as per allegations in the FIR, registered at the instance of SI Raj Kumar, it is stated that while on a patrol duty, he received a secret information that one Kanwaljeet @ Gaurav Kumar, resident of Ludhiana and presently residing in Yamuna Nagar, is indulged in the business of selling intoxicant substances. Thereafter, an information was sent to the police station for registration of the FIR and a raiding party was constituted. Later on, the aforesaid co-accused was arrested and 10 grams of smack was recovered from him. During investigation, his disclosure was recorded, in which he named the petitioner and thereafter, the petitioner was involved in the present case in the aid of Section 29 of the NDPS Act.

Learned counsel for the petitioner further submits that prior to registration of the present FIR, there was no case against the petitioner, however, subsequent to registration of the present FIR, the petitioner has been involved in another FIR No. 134 dated 01.04.2022 under the NDPS Act, in which he is on bail.

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. Deepak Kumar Grewal, DAG, 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 aforesaid submissions of learned counsel for the parties and also in view of the ratio of law 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.

23.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No