

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

**CRM-M-23175-2022
Date of decision: 26.05.2022**

Shankar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Lakshay Bector, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 59 dated 21.04.2022, registered under Sections 21, 29 and 27-A (*added later on*) of the NDPS Act, 1985 at Police Station Division No. 2, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner is not involved in any other case and he was also named on the disclosure of co-accused Gurpal.

Learned counsel for the petitioner relies upon order dated 23.05.2022 passed in CRM-M-22440-2022, vide which similarly situated co-accused Rani, who was also nominated on the basis of the disclosure of aforesaid co-accused Gurpal, has already been granted the concession of anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that as

per allegations in the FIR, registered at the instance of ASI Rajinder Singh, it is stated that while on a patrol duty, he noticed a person coming on foot, who, on seeing the police party, became perplexed and threw a transparent polythene bag on the ground, which he was carrying in his right hand and after turning back, he started walking fast. The said person was apprehended by the police and on inquiry, he disclosed his name as 'Gurpal'. Thereafter, recovery of 60 grams of Heroin and an amount of Rs. 15,000/- was effected from him.

Learned counsel for the petitioner further submits that on the disclosure of aforesaid co-accused, the name of the petitioner surfaced in the present case, however, he is not involved in any other case.

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. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and does not dispute the factual position.”

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, 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.

26.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No