

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

**CRM-M-25338-2022
Date of decision: 02.06.2022**

Kuldeep Singh @ Saurabh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Arora, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 87 dated 25.04.2022, registered under Section 21(b) of the NDPS Act, 1985 (Sections 25, 29 of the NDPS Act added later on) at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that as per allegations in the FIR, it is stated that the police party, while on a patrol duty, noticed a person coming on a motorcycle, who became perplexed on seeing the police party and tried to escape, however, the said person was apprehended. On suspicion that the said person might be carrying some intoxicant substance, he was interrogated, on which he disclosed his name as 'Navjot Singh @ Nav'. Thereafter, the personal search of the said person was conducted and 30 grams of Heroin was recovered. In his disclosure, he named the petitioner as well as in investigation, it is found that the motorcycle recovered from Navjot Singh @ Nav belongs to the present petitioner.

Learned counsel further submits that the only evidence against

the petitioner is the disclosure of the aforesaid co-accused and the petitioner is not involved in any other case under the NDPS Act, though he is involved in one case under the provisions of IPC, wherein he is on bail.

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 but opposes the bail.

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.

02.06.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*