

107

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No.27634 of 2022 (O&M)

Date of decision: 29.06.2022

Suraj

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Gourav Jain, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN J. (Oral)**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.141 dated 01.04.2022 registered under Sections 21(b) of the NDPS Act (Section 27-A of the NDPS Act, added later), at Police Station City Tohana, District Fatehabad.

Counsel for the petitioner has submitted that as per the allegations in the FIR, one Raja was arrested by the police and 11 gms of Heroin was recovered from him. It is further submitted that the petitioner has no such antecedents of involvement in any criminal case and his name surfaced in the case only during the disclosure of the co-accused Raja.

Counsel for the petitioner further argued 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 and another*", 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 Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State and on instructions from SI Om Parkash has not disputed the fact that the petitioner is not involved in any other case.

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.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**29.06.2022**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No