

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

**CRM-M No.27695 of 2022 (O&M)**

**Date of decision: 29.06.2022**

Talwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

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

**Present:** Mr. Kuldip Singh, 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.40 dated 01.05.2022 registered under Sections 20, 21, 22 of the NDPS Act, at Police Station Khuhi Khera, District Fazilka.

Counsel for the petitioner has submitted that one Sandeep Kumar was arrested and recovery of 12 gms of Ganja was effected. It is further submitted that the petitioner has no criminal antecedents of involvement in any other such or similar case and he has been named only on the basis of the disclosure statement of the co-accused.

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. Joginder Pal Rata, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State and opposed the prayer for 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.

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

**29.06.2022**  
*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No