

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

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CRM-M-33955-2021

Date of Decision: 22.02.2022

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Anutej Singh Barnala, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Balwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.05 dated 16.02.2021 at Police Station Mehal Kalan, District Barnala, under Sections 15/25/29 of the NDPS Act.
2. The case of the prosecution is that on 16.02.2021, a secret information received by the police to the effect that Tejinder Singh and Dilbagh Singh indulged in sale of poppy-husk and used to procure the same from other States. Pursuant to receipt of said information, the police was able to intercept a car bearing registration No.PB04AA-8314, which was being driven by Dilbagh Singh while Tejinder Singh was sitting on the front passenger seat. Upon search of the car, 4 polythene bags were recovered, which were found to contain a total of 80 Kgs. of poppy-husk. It is further the case of the prosecution that during the course of interrogation,

the said persons disclosed that they had procured the poppy-husk from Rajasthan with the help of Paramjit Singh (petitioner).

3. Learned counsel for the petitioner submits that he was never arrested at the spot and that no recovery whatsoever was ever effected from him and he has been nominated on the basis of disclosure statements made by co-accused Tejinder Singh and Dilbagh Singh, the admissibility and veracity of which would be debatable.
4. On the other hand, learned State counsel has submitted that since the petitioner has specifically been named by the co-accused from whom a commercial quantity of contraband was recovered, his complicity is clearly evident. It has further been informed that the petitioner happens to be involved in 1 more case registered for an offence under Section 15 of the NDPS Act and as such, the petitioner does not deserve the concession of anticipatory bail. Learned State counsel has also informed that the car in question has been found to be registered in the name of co-accused Dilbagh Singh.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of disclosure statements made by co-accused, wherein the petitioner is stated to be supplier of the contraband. The admissibility of such statements would certainly be debatable and would depend upon the prosecution being able to collect other corroborative evidence. The car in question is stated to be owned by Dilbagh Singh. In these circumstances, this Court is of the opinion that it is fit case for grant of anticipatory bail. As such, the petition is

accepted and the petitioner, in the event of arrest, is ordered to be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

22.02.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**