

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

(Sr. No. 202)

CRM-M No. 38765 of 2021

Date of decision : 01.02.2022

Manjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. J. K. Singla, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.151 dated 04.09.2021 registered under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short - the NDPS Act), at Police Station City - 2 Mansa, district Mansa.

Briefly stated, the case of the prosecution is that 110 tablets containing Alprazolam and 20 tablets containing Tramadol Hydrochloride were recovered from co-accused Ramandeep Singh who disclosed that he had purchased the recovered tablets from the petitioner. On the basis of such disclosure statement by co-accused Ramandeep Singh the petitioner was nominated as an accused in the present case.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in this case; there is no other case against the petitioner under the NDPS Act; the only evidence against the petitioner is the alleged disclosure statement made by the co-accused in police custody which is not admissible in evidence under Section 25 of the Indian Evidence Act, 1872; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged recovery from the co-accused is of “non-commercial” quantity of narcotics and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that he has been convicted twice for the offence under Section 188 IPC; is facing another case under the Punjab Excise Act, 1914 and if released on bail, he may indulge in similar activities.

The evidentiary value of the alleged disclosure statement by co-accused Ramandeep Singh on the basis whereof the petitioner has been nominated as an accused would be weighed during the course of the petitioner's trial. However, as on date, in addition to the afore statement, there is no further evidence forthcoming from the status report filed by the State to implicate him in the crime he is accused of. The petitioner also does not face any other criminal case under the NDPS Act and that the alleged recovery from co-accused Ramandeep Singh is classified as “non-commercial” under the NDPS Act.

After considering the above and subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the

event of his arrest in the aforesaid FIR, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

The petition is allowed in the above terms.

01.02.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No