

Through video conference
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-43364-2021 (O&M).

PARVEEN

.. Petitioner

VERSUS

STATE OF HARYANA

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

* * *

PRESENT Mr.Nitin Meel, Advocate,
for the petitioner.

Mr.Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

At the outset, learned State counsel, on instructions from ASI Ved Pal, has submitted that in pursuance of the order passed by this Court on 26.11.2021, the petitioner has joined investigation and has fully cooperated with the investigation process and is not required for custodial investigation.

In the present case, the alleged recovery was of 325 kgs. and 393 kgs. of ganja from co-accused Ramesh @ Suresh respectively but the case of the petitioner was that his name was nominated on the basis of disclosure statement and there is no sufficient material to connect the petitioner with the offence in the present case and mere disclosure statement was not admissible in evidence particularly in view of the law laid down by Hon'ble the Supreme Court in Tofan Singh Vs. State of Tamil Nadu, 2021

quantity pertains to commercial quantity, it will be necessary to consider the effect of Section 37 of the NDPS Act.

Firstly, the name of the petitioner has been nominated on the basis of disclosure statement and there is nothing on the record to connect the petitioner with the present offence apart from the disclosure statement and secondly, the bail application of the petitioner has not been opposed by the State and therefore, the bar contained under Section 37 of the NDPS Act will not be attracted in the present case.

In view of aforesaid factual position, the present petition is allowed and interim order dated 26.11.2021, is hereby made absolute.

January 19, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No