

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M No.45246 of 2021

Date of Decision: 06.01.2022

Gurdeep Singh

.....Petitioner

Vs.

Union of India

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anshul Jain, Advocate
for the petitioner.

Mr. Sanjay Vashisth, Senior Panel Counsel
for the respondent-NCB.

ANOOP CHITKARA J. (Oral)

Seeking regular bail for violation of Sections 8/18/29 of the Narcotics Drugs and Psychotropic Substances, Act, 1985 (NDPS Act), for possessing commercial quantity of opium, the petitioner came up before this Court, on the ground that he was named as an accused on the disclosure statements of co-accused namely Jasvir Singh and Rajbir Singh under Sections 67 NDPS Act.

Learned counsel for the petitioner submits that Section 67 NDPS Act cannot be read in evidence, based on the pronouncement of Hon'ble Apex Court in the case of **Tofan Singh vs The State Of Tamil Nadu** 2021 (4) SCC 1.

Learned counsel for the respondent-NCB argues that it is not only the evidence against the petitioner, in fact, he has been arraigned as an accused based on two bank entries of Rs.10,000/- each and his telephonic conversations with accused

Jasvir Singh.

Learned counsel for the petitioner, based on instructions, argues that the money he received was a friendly loan to meet his wife’s medical treatment. He further submits that since they were friends, there are telephonic conversations between them.

However, a perusal of the petition reveals that no such pleadings have been made nor any document annexed .

Faced with this, learned counsel for the petitioner submits that he be allowed to withdraw the present petition with liberty to file a fresh one by annexing relevant documents about medical prescriptions, if any and also clarifying the stand of the petitioner about his friendship with co-accused Jasvir Singh.

Learned counsel for the respondent-NCB has no objection to the same.

Given above, this petition is disposed of, having been withdrawn, with liberty, as prayed.

(ANOOP CHITKARA)
JUDGE

January 06, 2022
AK

Whether speaking/reasoned: Yes
Whether reportable: No