

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

**CRM-M-44956-2021
Date of decision: 15.02.2022**

Sandeep Singh @ Sandeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.354 dated 08.10.2021 registered under Section 22 of the NDPS Act at Police Station Sadar Dabwali, District Sirsa.

The operative part of the order dated 28.10.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Counsel for the petitioner has argued that as per the allegations in the FIR, the police party while on patrol duty apprehended co-accused Mange Ram @ Mangu, who was carrying a plastic bag in his right hand and after giving a notice under Section 50 of the NDPS Act, in the presence of the Gazetted Officer, 1540 intoxicant tablets were recovered. It is also submitted that later on, on the basis of the disclosure statement of the said accused, the name of the petitioner surfaced in the case. It is further argued that the petitioner is not involved in any other case under the NDPS Act and has no such criminal antecedents.

Counsel for the petitioner has also submitted that it will be a matter of trial whether the disclosure statement of the co-accused is admissible against the petitioner or not while relying upon the judgment of ***“Tofan Singh vs State of Tamil Nadu”, 2013(4) RCR (Criminal) 631***. It is further submitted that while relying upon the judgment of ***Tofan Singh's case (supra)***, the Hon'ble Supreme Court vide order dated 25.10.2021, has set-aside the charges framed under Sections 27-A and 29-A of the NDPS Act against the 02 similarly situated accused, who were also nominated on the basis of the disclosure statement of the co-accused, who were found in actual possession of the contraband in the said case.

Notice of motion.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 28.10.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Madan Lal, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 28.10.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

15.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No