

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

CRM-M-45259-2021 (O&M).

Kamlesh Rani

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Mikhail Kad, Advocate,
 for the petitioner.**

Mr.Arun Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail in FIR No.186 dated 11.9.2021, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Dhuri, District Sangrur.

It has been submitted by the learned counsel for the petitioner that in pursuance of the order passed by this Court on 29.10.2021, the petitioner has already joined investigation and has fully cooperated with the investigation process.

It is a case where petitioner was nominated on the basis of disclosure statement made by co-accused and there was no other material

with the police to connect the petitioner with the present case apart

from the disclosure statement which is otherwise not admissible in evidence in view of the laid down by Hon'ble the Supreme Court in **Tofan Singh Vs. State of Tamil Nadu, 2021 (1) RCR (Crl.) 1.**

Learned State counsel, on instruction from ASI Raghuvinder Pal Singh, has submitted that it is correct that in pursuance of the order passed by this Court on 29.10.2021, the petitioner has already joined investigation and has fully cooperated with the investigation process and is not required for custodial investigation.

In view of the aforesaid position since there is no objection from the State with regard to the present petition for the grant of anticipatory bail to the petitioner, the rigor of Section 37 of the NDPS Act, will not apply. Consequently, the present petition is allowed and interim order dated 29.10.2021, is hereby made absolute.

March 3, 2022.

raj arora

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No