

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

**CRM-M-52970-2021
Date of decision: 08.03.2022**

Ilyas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rahul Jaswal, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 326 dated 31.08.2020, registered under Section 20 of the NDPS Act, 1985 at Police Station Punhana, District Nuh.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party headed by SI Bachu Singh, it is stated that a secret information was received that co-accused Mahender and Umardraj are indulged in the business of selling narcotic substances. On this, a *ruqa* was sent to the police station and the FIR was registered. Thereafter, both of the aforesaid accused were arrested along with a vehicle and recovery of 90 Kgs. of Ganja was effected.

Learned counsel further submits that the petitioner is neither named in the secret information nor in the subsequent part of the FIR and his name surfaced only in the disclosure of aforesaid two co-accused, who

were arrested at the spot.

Learned counsel for the petitioner relies upon the judgments rendered by Hon'ble Supreme Court in *Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1* and *State By (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr. 2022 Live Law (SC) 69* to submit that since the petitioner was involved on the basis of the disclosure of co-accused, it will be a matter of trial whether the same is admissible or not.

Learned State counsel has filed the custody certificate and has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the ratio of law laid down in the judgments relied upon by learned counsel for the petitioner; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

08.03.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No