

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

CRM-M- 8972-2023
Date of Decision: 21.2.2023

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.K.S.Brar, Advocate for the petitioner

Mr.J.S.Guru, AAG, Punjab

ASHOK KUMAR VERMA, J.

The petitioner has filed this petition seeking grant of anticipatory bail in case FIR No.13 dated 13.01.2023 under Section 18(b)/29 of the NDPS Act registered at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner is sought to be implicated on the basis of disclosure statement made by co-accused. No recovery has been effected from the petitioner. Except disclosure statement of his co-accused, there is no legal evidence against the petitioner. Learned counsel further contends that confessional statement recorded under Section 67 of the NDPS Act is inadmissible, in

view of the law laid down by the Hon'ble Supreme Court in *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1. Learned counsel also submits that 50 grams of opium is alleged to have been recovered from co-accused- Mansagar Singh @ Sagar which falls within non-commercial quantity. Moreover no other case is registered against the petitioner. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of this Court, Mr.J.S.Guru, AAG, Punjab accepts notice on behalf of the respondent-State.

Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that his name has been disclosed by main accused- Mansagar Singh @ Sagar from whom recovery of 50 grams opium has been made.

I have heard learned counsel for the parties and gone through the paper-book.

Apparently, the petitioner is sought to be implicated on the basis of disclosure statement made by co-accused. No recovery has been effected from the petitioner. Except disclosure statement of his co-accused, there is no other evidence against the petitioner. The opium alleged to have been recovered from co-accused falls within non-commercial quantity.

Considering overall facts and circumstances of the present case, this petition is disposed of with a direction to the petitioner to join investigation and remain present for investigation, as and when called for. In the event of arrest, the petitioner shall be released on bail on furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the conditions as specified under

Section 438 (2) Cr.P.C. In case the petitioner fails to adhere to the terms and conditions as envisaged in this order, the State would always be at liberty to revive this petition by filing an application in this regard.

(ASHOK KUMAR VERMA)
JUDGE

21.2.2023
MFK

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*