



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-9421-2024(O&M)
Date of Decision: 08.08.2024

HARJIT SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. B.S. Bhalla, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.

seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
19	02.02.2024	P.S. City South, District Moga	15, 61, 85 (later on added Section 29) of NDPS Act, 1985

2. Vide order dated 19.03.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 19.03.2024 is reproduced as under:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.19 dated 02.02.2024 registered under Sections 15, 61, 85 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station City South, District Moga.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case at the instance of his rival tried Agya Pal Singh, who at the relevant time tried to take over management of Truck Union Moga in an illegal manner but failed to do so and thereafter colluded with the police and

succeeded in falsely implicating the petitioner in the present case.

Counsel for the petitioner submits that the Hon'ble Supreme Court in its recent decision dated 06.03.2024 reiterated that the authorities/officers must comply and abide by the judgment in "Tofan Singh Vs. State of Tamil Nadu".

Counsel for the petitioner also referred to interim order dated 13.03.2024 passed by Coordinate Bench of this Court in CRM-M-10486- 2024 titled as "Deepak Kapoor Vs. State of Punjab" wherein a person nominated as accused on the basis of disclosure statement in a case relating to commercial quantity of contraband was granted interim bail.

*Counsel for the petitioner further submits that same is the situation in the present case wherein petitioner is nominated as accused on the basis of disclosure statement made by co-accused Jitender Singh from whom police recovered commercial quantity of contraband. He further submits that except for aforesaid disclosure statement there is no other evidence against the petitioner and such a disclosure statement made by co-accused is inadmissible in evidence in the light of the law laid down by Hon'ble Supreme Court in "**Tofan Singh Vs. State of Tamil Nadu**" **reported in 2021(4) SCC 11.***

On query being put to the State counsel, he is unable to point out any other evidence against the petitioner besides the aforementioned disclosure statement.

Now be listed on 16.05.2024.

In view of the above, the petitioner is hereby directed to join the investigation with the police and in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner is also to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

3. Learned State counsel filed status report dated 06.03.2024. The same is taken on record. She further, on instructions states that the petitioner has joined the investigation. No recovery is to be effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 19.03.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

08.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |