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

CRM-M-15794-2024

Date of Decision: 10.04.2024

Bhupinder Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Judgepreet Singh Warring, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.22 dated 02.03.2024 registered under Section 18 of NDPS Act, at Police Station Division No.3, District Police Commissionerate Jalandhar.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, on 02.03.2024, a police party headed by SI Jaswinder Singh had caught co-accused Sunny Jagga, while he was carrying 2 kg of opium without any permit or license. Learned counsel further contends that during the course of investigation, Sunny Jagga had suffered a disclosure statement to the effect that the petitioner used to supply opium to him. He further contends that the petitioner has been arrayed as an accused only on the basis of disclosure statement suffered by his co-accused and the admissibility of such a statement is yet to be adjudicated by the trial Court, during the course of trial. Apart from

the said statement, no other evidence has been collected by the police in the present case against the petitioner. He further contends that the petitioner is the first offender and was never involved in any other criminal activity.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, he admits that the petitioner is not facing any other prosecution and at this stage, except the disclosure statement, there is no other evidence against the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. As per story of the prosecution, the petitioner has been arrayed as an accused only on the basis of the disclosure statement suffered by his co-accused namely Sunny Jagga and the admissibility of such a statement is yet to be adjudicated by the trial Court, during the course of trial.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

10.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No