

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024:PHHC:128001



CRM-M No. 47420-2024 (O&M)

Date of Decision: 23.09.2024

Punjab Singh

....Petitioner

versus

State of Punjab

-

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Sukhbir Maandi, Advocate, for the petitioner.

Mr. Gagneshwar Walia, Addl. Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The petitioner apprehends his arrest in respect of offences punishable under Section 21 of the Narcotic Durgs and Psychotropic Substance Act, 1985 in FIR No. 63 dated 28.07.2024 registered at Police Station City Valtoha, District Tarn Taran, wherein 20 grams of Heroin was recovered from the possession of co-accused Rajiv Kumar.

2. It is submitted by learned counsel for the petitioner that implication of the petitioner is based on a confessional statement made by co-accused Rajiv Kumar under Section 27 of the Evidence Act (Section 23 of the Bharatiya Sakshya Adhiniyam, 2023). It is submitted that no recovery had taken place from the petitioner.

3. On the other hand, learned State counsel objected to the contention raised by learned counsel for the petitioner by relying upon a judgment of the Apex Court in *State of Haryana vs. Samarth Kumar 2022 CrL. Law Reporter (SC) 994*, in which it is laid down that the benefit of

anticipatory bail is not available to an accused implicated on the basis of a disclosure statement made by co-accused. It is submitted by the learned State counsel that at best the petitioner can seek regular bail.

4. Since the investigation is pending and the possibility of further evidence coming forth cannot be ruled out, this Court for the time being declines to grant anticipatory bail to the petitioner. Accordingly, the application is dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

23.09.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√