



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

CRM-M-53972-2024

Date of decision: 12.11.2024

Parminder Singh @ Pinder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S. Killianwali, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 of BNSS, 2023 seeking anticipatory bail in case having FIR No.205 dated 25.08.2022, registered under Section 18-B of NDPS Act and Section 25 of Arms Act (Section 29 NDPS Act added later on), registered at Police Station Lambi, District Sri Muktsar Sahib.

2. The allegations in nutshell are that police recovered 5 kg 500 grams of opium, 50 live cartridges of .32 bore, one country made pistol of .32 bore loaded with 6 cartridges and drug money worth Rs.52,500/- from co-accused Ramandeep Singh on 25.08.2022. Subsequently, the present petitioner was nominated as accused on the basis of disclosure statement suffered by said Ramandeep Singh.

3. Counsel appearing on behalf of the petitioner submits that the petitioner is falsely implicated in the present case which was registered against aforesaid Ramandeep Singh. It is further submitted that the alleged



disclosure statement suffered by Ramandeep Singh against the present petitioner 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 (2021) 4 SCC 1*. It is further submitted that petitioner is ready to join investigation with the police.

4. The present petition is resisted by the State counsel who submits that the present case is relating to recovery of commercial quantity of contraband, fire arm and ammunition and drug money. It is further submitted that the custodial interrogation of the petitioner is required for the purpose of proper investigation.

5. I have considered the submissions made by counsel for the parties.

6. The FIR in this case was registered against co-accused Ramandeep Singh from whom police recovered commercial quantity of opium, drug money, fire arm and ammunition, as is detailed above. The rigors of Section 37 NDPS Act are applicable to the instant case which is relating to recovery of commercial quantity of contraband. The State counsel on instructions from SI Amar Singh has apprised the Court that the present petitioner is involved in one more case under NDPS Act.

7. The petitioner who was not named in the FIR is nominated as accused on the basis of disclosure statement suffered by co-accused Ramandeep Singh. The petitioner cannot take benefit of ratio laid down in **Tofan Singh's case** (supra), at this initial stage, when he is seeking grant of anticipatory bail. In this regard, reference is made to the decision of Hon'ble Supreme Court in State of *Haryana Vs. Samarth Kumar 2022 (3) RCR*



(Criminal) 991, wherein it was held that in case of this nature, the accused may be able to take advantage of the decision in **Tofan Singh’s case** (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

8. In light of the above, no ground is made out to grant concession anticipatory bail to the petitioner at this stage.
9. Consequently, the present petition is dismissed. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

12.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No