

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

**CRM-M No.21093 of 2016
Date of decision: July 28, 2016**

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. Sidakmeet S. Sandhu, AAG, Punjab assisted by
HC Harmeet Chand.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 438 of Code of Criminal Procedure preferred by Gurwinder Singh, feeling apprehension of his arrest, in case FIR No.140 dated 23.08.2015, under Sections 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 and 25 of Arms Act, registered at Police Station Guruhar Sahai, Ferozepur.

While issuing notice of motion by this Court on June 15, 2016, the following order was passed:-

“The petitioner is being sought to be arrested in the present FIR on the statement made by co-accused Gurdev Singh, from whom 8 Kgs. Heroine has been recovered. There is no other case or FIR pending against the petitioner.

Notice of motion for 19.7.2016.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Arresting Officer, subject to the conditions contained in Section 438 (2) Cr.P.C. He will join the investigation as and when required”.

On instructions from HC Harmeet Chand, learned State counsel submits that petitioner has already joined the investigation on July 18, 2016 and is no more required for further interrogation. Moreover, report under Section 173(2) Cr.P.C. in this case has already been presented in the Court of jurisdictional Magistrate on February 17, 2016 and learned Special Judge is seized of the matter.

Taking into consideration all these aspects of the case, order dated June 15, 2016, is made absolute, subject to the conditions, as envisaged under section 438(2) Cr.P.C.

July 28, 2016
m. sharma

(JASPAL SINGH)
JUDGE