

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

CRM-M-35024-2022

Date of decision : 24.11.2022

SHAMSHER SINGH ALIAS SHERRY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tushar Sharma, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 08.08.2022, the following order was passed :-

“The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.33 dated 23.03.2022 under Sections 18/29/61/85 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

Learned counsel appearing on behalf of the petitioner contends that name of the petitioner had figured in the disclosure statement and that no recovery was effected from the petitioner. The recovery of 50 grams of opium was effected from Harpreet Singh @ Happy and that concession of interim bail was granted to the petitioner vide order dated 25.04.2022 by the Additional Sessions Judge, Kapurthala. Thereafter, house of the petitioner was also searched and raided by the respondent-authorities, however, no contraband was found. Yet, the bail petition filed by the petitioner was rejected on the submission advanced by the prosecution that the petitioner had not cooperated with the investigation. He contends that the nature of cooperation has not been spelt out by the Investigating Agency and that he is ready and

cooperation is specified.

Notice of motion.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab, who is present in the Court accepts notice on behalf of the respondent-State. To come up for further consideration on 24.11.2022.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

2. Today, Ld. State Counsel on instructions from ASI Daljit Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. In the circumstances, the order dated 08.08.2022 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. The petitions stands disposed off.

November 24, 2022

Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No