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

**CRM-M-42177-2021
Date of Decision: 30.08.2022**

Dalvinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Goraya, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The learned counsel for the petitioner has submitted that it is a case where the name of the petitioner has been nominated on the basis of the disclosure statement of the co-accused namely Jagtar Singh from whom there was a recovery of 2.7 Kgs. of Opium which was marginally higher than the commercial quantity. He further submitted that the petitioner has been falsely implicated in the present case and the petitioner has already joined the investigation since his arrest was stayed by this Court on 14.10.2021.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab on instructions from ASI Desh Raj has stated that after the arrest of the petitioner was stayed, he has already joined investigation and he has fully cooperated with the investigation process and he is not required for custodial interrogation.

In view of the specific stand taken by the learned State counsel wherein it has been specifically stated that the petitioner is not required for custodial interrogation, the bar contained under Section 37 of the NDPS Act will not apply in the present case.

Consequently, the present petition is allowed.

The petitioner is again directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.

30.08.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No