

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

SR. No.206

CRM-M-49730-2021

Date of Decision:08.03.2022

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

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

Mr. Tanvir Joshi, AAG, Punjab.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

On 07.12.2021 following order was passed by this Court:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.269 dated 03.11.2021, registered under Sections 21(B) and 29 of NDPS Act, 1985 at Police Station Maqboolpura, District Amritsar.

It is contended that the petitioner has neither been named in the FIR nor any recovery has been effected from his possession. The alleged recovery of 25 gms. heroin was effected from Tara Chand, co-accused of the present petitioner. The role attributed to the present petitioner, as per the disclosure statement of his co-accused, is that the said co-accused takes heroin from the petitioner in order to sell the same.

Notice of motion for 08.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the

course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.”*

Upon instructions from ASI Sham Singh, learned State counsel submits that in compliance of the above-said order dated 07.12.2021, the petitioner has joined the investigation and he is not required for any further investigation.

Taking into consideration the totality of circumstances, the interim order dated 07.12.2021 is hereby made absolute, subject to the conditions as contained in Section 438(2) Cr.P.C.

Petition stands disposed of.

08.03.2022
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO