

207 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-7923-2023

Date of Decision: 05.09.2023

Mukesh Bhadu and Another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Jasuja, Advocate, for the petitioners.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioners in FIR No.10 dated 21.01.2023, under Section 22C of NDPS Act, 1985, registered at Police Station Bahawala, District Fazilka.

2. Petitioners have been nominated in the present case on the basis of disclosure statement of co-accused, namely, Sarabjeet Singh. Recovery of 900 intoxicant loose tablets (non-commercial) were allegedly effected from said Sarabjeet Singh.

3. This Court vide order dated 09.08.2023, granted interim bail to petitioners and the same reads as under:-

“Contends inter alia that both the petitioners have been nominated on the basis of disclosure made by co-accused, namely, Sarabjeet Singh and after an enquiry, the Senior Superintendent of Police (Headquarter), Fazilka has found them innocent.

In view of the above, learned State Counsel seeks time to file an affidavit.

Posted on 05.09.2023.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case, till the next date of hearing, on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973. ”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, they joined investigation and their custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Surinder Pal, fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 09.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

05.09.2023

jyoti3

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No