

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214) CRM-M-9596 of 2023 (O&M)
DATE OF DECISION:-25.05.2023

Jarnail Singh ...Petitioner

vs.

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.0029 dated 24.02.2021 under Sections 21, 22, 25, 27-A, 29 of NDPS Act, 1985; under Sections 25, 27 of the Arms Act, 1959 IPC; under Section 3 of the Indian Passport Act, 1920 and under Section 14 of the Foreigners Act, 1946, registered at Police Station Lopoke, District Amritsar.

(2) This Court, while issuing notice of motion on 24.04.2023, passed the following order:

“Relying upon decision made by the Hon’ble Supreme Court in case of State of West Bengal vs. Rakesh Singh @ Rakesh Kumar Singh Criminal Appeal No.923 of 2022, learned counsel for petitioner submits that the case against petitioner cannot be termed to be as that of drug trafficking as there is no other case pending against him and even no recovery of contraband has been effected either from petitioner or against any of the individuals arrayed as accused in the FIR in question.

Notice of motion for 25.05.2023.

In the meanwhile, petitioner will join investigation before the Investigating Officer as and when called. In the event

of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

(3) Learned counsel for the petitioner states that in pursuance of order dated 24.04.2023 passed by this Court, the petitioner has already joined investigation.

(4) The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Sukhdev Singh, P.S. Lopoke, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

(5) In view of the above, the petition is allowed. Interim order dated 24.04.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

25.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No