

**206 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-9808-2023 (O&M)
Date of Decision: 04.07.2023**

Hardeep Singh @ Deepa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishavjeet Gill, Advocate for
Mr. Tanvir Singh Grewal, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab
assisted by Inspector Jaspreet Singh.

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 petitioner in FIR No.74 dated 01.05.2021, under Sections 15, 25 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “the Act”) registered at Police Station Bhawanigarh, District Sangrur.

2. In pursuance of previous order dated 18.04.2023, short reply filed by way of affidavit of Sh. Surendra Lamba, IPS, Senior Superintendent of Police, Sangrur is taken on record.

3. Perusal of the same reveals that two erring officials, namely, ASI Sukhpal Singh and ASI Karan Singh were proceeded departmentally and punishment have been imposed against both of them vide order dated 05.06.2023 (R-1) by Senior Superintendent of Police, Sangrur being the competent authority.

4. Petitioner is alleged to have entered into sale of poppy husk; however, no recovery was effected from him.

5. This Court vide order dated 09.03.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner contends inter alia that three similarly situated co-accused of the petitioner have already been granted the concession of pre-arrest bail, vide orders dated 06.07.2021 & 13.10.2021 (P-3, P-4 & P-5), respectively.

Learned State counsel seeks time to verify the above factual position.

Posted on 18.04.2023.

In the meanwhile, petitioner will join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case 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) Cr.P.C.

Senior Superintendent of Police, Sangrur is directed to look into the matter and if need be take necessary action against the Investigating Officer(s) and report be submitted by the next date of hearing.”

6. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

7. The above factual position is duly acknowledged by learned State Counsel, on instructions from Inspector Jaspreet Singh and fairly submitted that custodial interrogation of the petitioner is not required at this stage.

8. In view of above, interim order dated 09.03.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
10. 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.
11. Disposed off accordingly.
12. Pending criminal misc. application(s), if any, shall also stand disposed off.

04.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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