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

**CRM-M-10907-2023
Date of Decision: 17.10.2023**

Khushal Chand @ Gholu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.103 dated 04.08.2022, under Sections 21(b), 21, 27-a, 27 & 29 NDPS Act, registered at Police Station Dhariwal, District Gurdaspur.

2. Learned counsel for the petitioner has submitted that in pursuance of the order dated 20.04.2023 the petitioner joined the investigation and has fully co-operated with the investigation process.

3. Mr. Ramdeep Partap Singh, learned Senior Deputy Advocate General, Punjab, has stated on specific instructions from ASI Jiven Singh, who is present in Court today that in pursuance of the order passed by this Court on 20.04.2023, now the petitioner has joined investigation and he is fully cooperating with the investigation process and is not required for

custodial interrogation.

4. Since the offence involved here is also under Section 27-A of the NDPS Act, the effect of Section 37 of the NDPS Act has to be considered. It is a specific stand of the learned State counsel on the basis of instruction from the I.O. that the petitioner is not required for custodial interrogation and therefore, there is no bar for making the aforesaid order absolute.

5. Consequently, the present petition is allowed and the order dated 20.04.2023 is hereby made absolute.

17.10.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No