

264 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-11194-2023  
Date of Decision: 22.05.2023

KULDEEP SINGH ... PETITIONER  
V/S  
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav, Advocate for  
Mr. P.S.Sekhon, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. On 03.03.2023, following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No. 26 dated 06.02.2023 under Sections 21 & 29 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Bhawanigarh, District Sangrur.

Briefly, as per the allegations the case has been registered in pursuance of the recovery of 10 gms of heroin from the bag being carried and thrown by Harpreet Singh @ Rinku, co-accused.

Learned counsel for the petitioner contends that the petitioner has been sought to be nominated on the basis of the disclosure statement of the co-accused.

It has been further submitted that in CRM-M-55539-2022 titled as Vijay Singh Vs. State of Haryana, the petition under Section 438 Cr.P.C. was dismissed by the Co-ordinate Bench of this Court by placing reliance upon *State of Haryana Vs. Samarth Kumar, 2022(3) RCR (Crl.) 991 (Supreme Court)*. However, in a petition for Special Leave to Appeal (Criminal) No. 1266 of 2023 wherein the aforesaid order has been assailed, directions have been issued that no coercive steps be taken against the petitioner in terms of the order dated 03.02.2023.

Notice of motion.

Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

Adjourned to 22.05.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the

event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.
3. Learned State counsel, on instructions from ASI Pritpal Singh, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.
4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.03.2023 is made absolute.

22.05.2023

Janki

(VIVEK PURI)  
JUDGE

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*