

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

(211)

**2023:PHHC:134589
CRM-M-24190-2023
Date of Decision: 16.10.2023**

Parminder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present:- Mr. B.B.S. Randhawa, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of anticipatory bail to the petitioner in FIR No.113 dated 11.09.2022, under Sections 21 and 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. Above FIR was registered on the basis of statement made by ASI Rajinder Singh, wherein it was stated that he along with other police officials apprehended co-accused, namely, Dalbir Singh with 3 grams (heroin) without permit or license and in his disclosure Parminder Singh (petitioner) was named in the present case.

3. The Coordinate Bench, on 12.05.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.113 dated 11.09.2022 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

Brief facts of the case are that on 11.09.2022 in the area of Drain Bride Mullianwal, co-accused Dalbir Singh was apprehended with three grams of heroin. During interrogation, he disclosed that he had brought the said contraband from the present petitioner. Resultantly, petitioner was nominated in the present FIR under Section 29 of the NDPS Act.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner was not named in the FIR and has been nominated as an accused on the basis of disclosure statement of co-accused Dalbir Singh from whom three grams of heroin has been recovered. He further submits that no recovery has been effected from the petitioner. He further submits that petitioner is not involved in any other case under the NDPS Act, however, one case being FIR No.144 dated 08.12.2018 under Section 498-A IPC is pending against him at Police Station Dera Baba Nanak, District Batala, in which he is on bail. He further submits that petitioner is ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent-State and seeks time to file reply/status report.

Adjourned to 28.9.2023.

In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioner shall not directly or indirectly*

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioner shall not leave India without prior permission of the court.

Let needful be done before the next date of hearing with advance copy to learned counsel for the petitioner.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kulwinder Singh present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 12.05.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation. In case it is found that there is recurrence on the part of the petitioner, the State would move an application for recalling of this order.

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.

(MAHABIR SINGH SINDHU)
JUDGE

16.10.2023

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