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

CRM-M-25833-2023 (O&M)

Date of decision : 27.09.2023

Dharmendra Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

ASI Baljinder Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.23 dated 28.03.2023, under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*), registered at Police Station Bakshiwala, District Patiala.

2. Petitioner was nominated in the present case on the basis of disclosure made by co-accused, Rishu and Mangat Deen, who were apprehended and 2500 loose tablets were recovered from their possession.

3. The Coordinate Bench, on 02.06.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

- “1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 23 dated 28.03.2023 registered under Sections 22/29 of NDPS Act at Police Station Bakhshiwala, District Patiala.*
- 2. Learned counsel for the petitioner contends that FIR has been registered in pursuance of recovery of 2500 toxicant tablets from the co-accused, namely, Rishu and Mangat Deen. The Petitioner has been sought to be nominated on the basis of the disclosure statement of the co-accused. The petitioner is neither running any medical store and nor involved in any other case.*
- 3. Learned State counsel submits that as per the report of FSL, tramadol has been recovered but he seeks another adjournment to submit reply.*
- 4. It has not been disputed that the petitioner is not involved in any other case under NDPS Act.*
- 5. Adjourned to 27.09.2023.*
- 6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

4. Today, the police officer has apprised the Court that in pursuance of the above order, petitioner has already joined investigation and his custodial interrogation is not required at this stage. Also acknowledged that there is no other criminal case pending against the petitioner.

5. In view of above, interim order dated 02.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

6. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

7. 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.
8. Disposed off accordingly.

27.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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