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

**CRM-M-26463-2023 (O&M)
Date of decision : 18.07.2023**

Ravneet Kumar @ Veenu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Deepak Kohli, Advocate,
for Mr. J.K. Singla, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in FIR No.49 dated 11.04.2023, under Sections 21(b), 27 & 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (*for short 'the Act'*) registered at Police Station City Budhlada, District Mansa.

2. It transpires that petitioner was nominated as an accused in the present case on the basis of disclosure made by co-accused, Harpreet Singh @ Chitta, from whose possession, recovery of contraband (40 grams of heroin) was effected.

3. The Coordinate Bench vide order dated 25.05.2023 granted interim bail to the petitioner and relevant part of the same reads as under:-

“The present petition filed under Section 438 of Code of Criminal Procedure for grant of the anticipatory bail to the petitioner in FIR No.49 dated 11.04.2023 under Sections 21 (b), 27 & 29 NDPS Act, 1985 (Act No.61 of 1985) registered at Police Station City Budhlada, District Mansa.

Learned counsel for the petitioner contends that he has falsely implicated in the present case and alleged recovery alleged as has been made by the prosecution is 40 grams of heroin which falls within non-commercial quantity and there is no direct evidence to connect the petitioner with the commissioning of the said offence. It is only on the statement of co-accused while in police custody petitioner has been nominated as an accused though nothing was recovered from his possession. It is also brought to the notice of the Court that the co-accused Sahil has already been granted the benefit of interim bail vide order dated 18.05.2023 in CRM-M-25296-2023.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent/State and also served with an advance copy of the petition. On instructions from ASI Sukhpal Singh informs that the quantity is non-commercial in nature and the petitioner is also at par with co-accused Sahil.

*Though the learned State counsel has asserted that the petitioner is involved in one another case but this Court has discussed the pendency of the other cases whether it can be a predicament to grant bail in the instant FIR as was observed in “**Baljinder Singh alias Rock Vs. State of Punjab**”, decided vide order dated 02.03.2023 in CRM-M-25914 of 2022. The appreciation of the evidence during the course of the trial has to be looked*

into with reference to the evidence in that case alone and in the instant case the trial Court has to adhere only to the material available in the instant FIR by the prosecution so produced. Even otherwise, it is also to be noticed and borne in mind by this Court that once the petitioner is at parity with the co-accused Sahil and nothing is to be recovered. No useful purpose would be served by sending the petitioner behind bars as no effective interrogation is now required since the main accused has been set free in a non-commercial quantity of 40 grams heroin.

In the light of the above discussions made hereinabove, the petitioner is directed to be released on interim bail in case, he joins the investigation on furnishing personal surety/Security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr. P.C.

Adjourned to 18.07.2023.”

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required. Also contended that there is no other criminal case pending against him.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer concerned and further stated that custodial interrogation of petitioner is not required at this stage.

6. In view of above, interim order dated 25.05.2023 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.
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.

18.07.2023

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Whether Reportable :

Yes

Yes

No

No