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

**CRM-M-33879-2023
Date of decision : 17.10.2023**

BEANT SINGH AND ANR

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Puja, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 31.07.2023, the following order was passed :-

“Apprehending their arrest in FIR No.148 dated 21.12.2022, registered for offences punishable under Sections 15/61/85 of NDPS Act (Section 18 of NDPS Act added later on) at Police Station Kotwali Nabha, District Patiala, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioners inter alia contends that the learned trial Court has totally misread the FSL report to hold that the quantity recovered from the petitioners fall within the commercial quantity.

Notice of motion for 17.10.2023.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing

personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Nazar Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 31.07.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioners.
6. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioners in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the

accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8. Petition stands disposed off accordingly.

October 17, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No