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

214

CRM-M-33809-2023

Date of decision : 14.11.2023

Palwinder Singh @ Pindu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 10.08.2023, following order was passed:-

“Apprehending his arrest in FIR No.74 dated 29.05.2023, registered for offences punishable under Sections 21, 27, 29, 27-A, 61 of the NDPS Act, 1985, at Police Station Ghuman, Police District Batala, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Short reply by way of an affidavit of Gurinderbir Singh, PPS, Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala has been filed on behalf of the respondent-State, today in Court. The same is taken on record.

At the outset State Counsel points out that in the order dated 17.07.2023 quantity of heroin recovered from the co-accused in the present case

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has been wrongly mentioned as 15 grams whereas it is 50 grams.

'15 grams' henceforth shall be read as '50 grams' in the order dated 17.07.2023.

Registry is directed to carry out the necessary correction.

The contention noticed on behalf of the petitioner is otherwise was not controverted by State Counsel.

Adjourned to 14.11.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C. Apart from the conditions envisaged under Section 438(2) of the Cr.P.C., the petitioner shall also remain bound by the following conditions :

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the course of investigation/trial.
- (iii) The petitioner shall not absent himself on any date before the investigating officer/trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the Trial Court/Investigating Officer.

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(vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the Trial Court/ Investigating Authorities.

(vii) The petitioner shall not in any manner try to delay the Investigation/trial.

In case of breach of any of the aforesaid conditions and those which may be imposed by the Investigating Authorities/Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.”

2. Today, learned State counsel, on instructions from ASI Gurjit Singh, has stated that pursuant to the order dated 10.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 10.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner 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 petitioner.

6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the

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petitioner 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. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

14.11.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No