

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

CRM M-34004-2023

Date of Decision: 05.09.2023

Lakhveer Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dinesh Trehan, 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 short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.19 dated 02.03.2023, under Section 21 of NDPS Act, 1985, (Section 27-B and 29 of NDPS Act added later on), registered at Police Station City 2 Abohar, District Fazilka.

2. Petitioner has been nominated in the present case on the basis of disclosure of co-accused, namely, Surjeet Kaur. Recovery of 15 gms of heroin (non-commercial) was allegedly effected from one Sikander Singh.

3. This Court vide order dated 17.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that as per prosecution case, one Sikander Singh was allegedly found in possession of 15 gms. of heroin and on whose disclosure, Surjeet Kaur, was nominated as an accused. Further contends that said Surjeet Kaur made disclosure and petitioner was nominated in the present case. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted on 05.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973. ”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Vishlesh Kumar, fairly submitted that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 17.07.2023 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.

05.09.2023
jyoti3

(MAHABIR SINGH SINDHU)
JUDGE

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