

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.37754 of 2022

Date of decision: 12th May, 2023

Hardeep Singh @ Deepu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondents/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.105 dated 26.07.2022 under Section 15 (Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kot Ise Khan, District Moga.

Vide order dated 22.11.2022, the petitioner had been granted concession of interim bail in the following terms by the Coordinate Bench of this Court:

“Learned counsel for the petitioner, inter-alia, contends that no contraband had been recovered from the petitioner in the present case and rather, he has been roped as an accused merely on the basis of the disclosure statement as alleged to have been suffered by his co-accused named Heera Singh @ Bagga from whose possession, 54 kg poppy husk was allegedly recovered.”

XXXX XXXX XXXX

In the meantime, arrest of the petitioner shall remain stayed subject to the following conditions:-

- (i) The petitioner shall not change his mobile number.*
- (ii) He shall report to the concerned Police Station every day before 11.00 AM.*
- (iii) The petitioner shall not indulge in any illegal activity.*
- (iv) The petitioner, if called by the authorities shall join the investigation.”*

Learned counsel for the petitioner submits that in compliance of the order dated 22.11.2022, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In the circumstances, the petition is allowed and the interim order dated 22.11.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 12, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No