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

CRM-M-36659-2023 (O&M)

Date of decision : 20.09.2023

Jakoob @ Yakoob

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. I.S. Kooner, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
assisted by ASI Ram Lal.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.127 dated 07.06.2023, under Section 22 (Section 29 added subsequently) of the Narcotic Drugs and Psychotropic Substances, Act, 1985, registered at Police Station Mahilpur, District Hoshiarpur.

2. As per the prosecution story, co-accused Saira was apprehended by the police and 30 injections of Buprenorphine IP 0.3 mg/2 ml (Buprecel), were recovered from her. Name of the petitioner surfaced in the disclosure made by said Saira as the alleged supplier of above contraband.

3. This Court, on 22.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends inter alia that except disclosure statement of co-accused, there is no other material against the petitioner to implicate him in the present case.

Learned State Counsel will apprise the Court about the pendency of other criminal cases against the petitioner by way of affidavit.

Posted for 20.09.2023.

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

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

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

6. In view of above, interim order dated 22.08.2023 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.

20.09.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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