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

CRM-M-38759-2023 (O&M)

Date of decision : 19.09.2023

Shamsher Singh @ Shera

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Divya Narula, Advocate,
for the petitioner.

Mr. Ashok Kumar Chaudhry, Addl.A.G., Haryana.

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.185 dated 27.07.2023, under Section 21B of the Narcotic Drugs and Psychotropic Substances, Act, 1985, registered at Police Station Ding, District Sirsa.

2. As per the prosecution story, co-accused Manpreet Singh was apprehended and 10 grams of Heroin was recovered from him. Petitioner was arrayed as an accused in the present case on the basis of disclosure made by said Manpreet Singh, alleging him to be supplier of the above contraband.

3. Reply filed by way of affidavit of Mr. Ajaib Singh, HPS, Deputy Superintendent of Police, Sirsa, dated 14.09.2023, is also taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

4. This Court, on 23.08.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“After going through the affidavit dated 16.08.2023 of Deputy Superintendent of Police, Sirsa, learned counsel for petitioner submits that as a matter of fact, petitioner stands acquitted in all the cases, except at serial No.2 & 7.

Faced with the above situation, learned State counsel seeks time to have instructions and/or file better affidavit of the officer concerned.

Posted on 19.09.2023.

Since there is no allegation that any contraband was recovered from the petitioner, therefore, till the next date of hearing, he shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail 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 Code of Criminal Procedure, 1973.”

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

6. 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.

7. In view of above, interim order dated 23.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
9. 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.
10. Disposed off accordingly.

19.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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