

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

**CRM-M-42811-2023 (O&M)
Date of decision : 04.10.2023**

Rahul Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Atinderpal Singh, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.89 dated 15.06.2022, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Rajasansi, District Amritsar.

(2) Allegations are that co-accused Avtar Singh @ Tari was found in possession of about 15 grams *Heroin* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) This Court, vide order dated 04.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner was implicated in the present case on the basis of disclosure made by co-accused Avtar Singh @ Tari, from whom alleged recovery of 15 gms heroin is stated to have been effected.

Learned State counsel seeks time to have instructions regarding the pendency of other criminal cases against the petitioner.

Posted on 04.10.2023.

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 Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Heera Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 04.09.2023 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) It is clarified that in case there is recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.

October 4th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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