

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

**CRM-M-45583-2023 (O&M)
Date of decision : 09.11.2023**

Balwinder Singh @ Kaku @ Kandi

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurmej Singh Bhinder, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana 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.470 dated 26.08.2023, under Section 15(b)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Rania, District Sirsa.

(2) Allegations are that co-accused Gurmeet Singh was found in possession of about 2 Kg. 100 grams Chura Post (Poppy Straw) without any

license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) This Court, vide order dated 15.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that petitioner has been nominated on the basis of disclosure made by co-accused Gurmeet Singh.

Notice of motion for 09.10.2023.

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 S.I. Kamal 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 15.09.2023 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 Haryana would be at liberty to move an appropriate application for recalling of this order.

(10) Disposed off accordingly.

(11) Pending application(s), if any, shall also stand disposed off.

November 9th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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