

CRM-M-46876-2023 (O&M)

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213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46876-2023 (O&M)
Date of decision : 21.11.2023

Malkeet Singh @ Keepo

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. B. D. Sharma, Advocate, for the petitioner.

Mr. C. L. Panwar, Addl. A. G. Punjab.

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 petitioners in FIR No.81 dated 10.07.2023 (P-1), under Sections 21 & 29 of NDPS Act, 1985 (offence under Section 29 of NDPS Act added later on) registered at Police Station, Raja Sansi District Amritsar Rural.

2. Above FIR was initially registered against co-accused Ranjit Singh @ Raju from whose conscious possession 10 grams of Heroin was allegedly recovered on 10.07.2023. The name of the petitioner surfaced in the disclosure statement of co-accused-Ranjit Singh @ Raju.

3. This Court, on 11.10.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends that petitioner has been nominated on the basis of disclosure made by co-accused, Ranjit Singh, from whom 10 grams of Heroin was allegedly recovered.

Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

Mr. C.L. Pawar, Addl.A.G., Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 21.11.2023.

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 the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation are not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from HC Harpassand, and further stated that custodial interrogation of the petitioners are not required at this stage.
6. In view of the above, interim order dated 11.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioners 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.

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9. Disposed off accordingly.

21.11.2023
anil

(MAHABIR SINGH SINDHU)
JUDGE

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