

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47992-2023
Date of decision: 08.11.2023

TARSEM SINGH @ SONUPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Section	Police Station
238	03.11.2022	21 of NDPS Act and Section 29 of NDPS Act added later on.	City Moga, District Moga.

2. It is submitted by learned counsel for the petitioner that in
compliance with the order dated 22.09.2023, the petitioner has already
joined investigation.

3. Learned State counsel, on instructions from HC Majinder
Singh, has intimated that the petitioner has joined investigation and is not
required for further investigation in the matter.

4. During the course of hearing on 22.09.2023, following order
was passed:

*“The present petition has been filed under Section 438 Cr.P.C.
for grant of pre-arrest bail to the petitioner in case FIR
No.238 dated 03.11.2022 registered under Section 21 NDPS*

Act, 1985 (Section 29 NDPS Act, 1985 added later on), at Police Station City Moga, District Moga.

*Learned counsel contends that the name of the petitioner has surfaced based on disclosure statement of co-accused-Amarjeet Singh, from whom allegedly non-commercial quantity of contraband, it being 250 grams of heroin, has been effected. The petitioner is not involved in any other case. Reliance is placed in this regard on the judgment passed by Hon'ble The Supreme Court in the case of **Tofan Singh Versus State of Tamil Nadu**, (2021) 4 SCC 1. Further, there is no call record which could establish any connection of the petitioner with the co-accused or any other evidence in that regard. He is ready and willing to join the investigation as and when required by the investigating agency and will cooperate.*

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 30.09.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 08.11.2023."

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 22.09.2023 passed by this Court, interim bail granted vide order dated 22.09.2023 is, hereby, confirmed, subject to

conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 6. The petition stands allowed.
- 7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

08.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |