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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49728-2023 (O&M)
Date of decision : 20.11.2023

Gurjit Singh @ Gagan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Ms. Gurjeet Kaur, Advocate, for
Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioner.

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

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.84 dated 03.09.2023, under Sections 21(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Verowal, District Tarn Taran.

2. Status report way of affidavit of Ravisher Singh, PPS, Deputy Superintendent of Police, Sub-Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, dated 20.11.2023 on behalf of the respondent, filed by learned State counsel, is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

3. Above FIR was registered with the allegations that co-accused (Angrej Singh) was found in possession of 150 grams of *Heroin* and petitioner was nominated on the basis of disclosure made by above Angrej Singh as supplier of the contraband.

4. A Co-ordinate Bench, on 03.10.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of the respondent-State of Punjab and seeks time to file a report particularly the medical condition of the petitioner.

Adjourned to 20.11.2023.

In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer subject to the filing of the report by the prosecution till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”

5. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required. Also contends that no contraband was recovered from the petitioner; rather

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alleged recovery of 150 grams of *Heroin* was effected from co-accused Angrej Singh.

6. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kawanjit Singh, and further stated that custodial interrogation of the petitioner is not required at this stage.
7. In view of above, interim order dated 03.10.2023 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.

20.11.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

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