

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

**CRM-M-50156-2023 (O&M)
Date of decision : 30.11.2023**

Prem Singh @ Rinku

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vishavjeet S. Brar, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.518 dated 17.11.2022, under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ellenabad, District Sirsa.

(2) Allegations are that co-accused Kalwant Singh 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) Status Report by way of affidavit dated 29.11.2023 of Sh. Ajaib Singh, DSP, Ellenabad, District Sirsa, along with Annexures R-1 & R-2, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) This Court, vide order dated 05.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated on the basis of disclosure made by co-accused, namely, Kalwant @ Kanti, from whom recovery of 15 grams heroin was allegedly effected. Also contends that there is no criminal case pending against him.

Notice of motion for 30.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to 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. Naresh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 05.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

- (7) It is also made clear that 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 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 30, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes