

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

CRM-M-52356-2023

Date of decision : 16.11.2023

KHUSHPREET SINGH ALIAS KHUSHI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Jagjit Singh Gill, Advocate and
Mr. Amritpal Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI.J. (ORAL)

1. 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. 131 dated 09.09.2023, registered under Sections 21(b), 25, 61 and 85 of NDPS Act, 1985 at Police Station Jhunir, District Mansa.

2. On the last date of hearing the following order was passed:-

*“The present petition has been filed under
Section 438 Cr. PC for grant of pre-arrest bail to the
petitioner in case FIR No131 dated 09.09.2023,
registered under Sections 21 (b)2561 and 85 of NDPS
Act, 1985 at Police Station Jhunir District Mansa.*

*Learned counsel contends that co-accused-
Gursewak Singh @ Sewak from whom allegedly recovery
of 10 grams of heroin was effected had named*

in his disclosure statement two persons, one being the petitioner and the other co-accused Jasprit Singh @ Ugliwho has been granted interim anticipatory bail by this Court vide order dated 06/10 2023, Annexure P-3Reliance is placed on the judgment passed by Hon'ble The Supreme Court in the case of Tofan Singh vs. State of Tamil Nadu2021 (1) RCR (C) 1The petitioner is not involved in any other case and 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, MrManipal Singh Arwal, DAG Punjab accepts notice on behalf of respondent-State.

Adjourned to 16.11.2023

Meanwhile, the petitioner is directed to join the investigation on or before 30.10.2023In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officerssubject to compliance of conditions as enshrined under Section 438(2) Cr.PC.

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

Learned Counsel for the petitioner submits that in compliance of order (supra), the petitioner has joined the investigation and is not required for further investigation.

On the other hand, learned State counsel also submits on instructions from ASI Gurdip Singh, that the petitioner has joined the investigation and is not required for further investigation.

In view of a specific statement made by the learned State counsel, the order dated 16.10.2023 is made absolute.

The present petition is allowed accordingly.

(KULDEEP TIWARI)
JUDGE

16.11.2023
monika

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