

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

**CRM-M-54-2024 (O&M)
Date of decision :22.04.2024**

Partap Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, 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.435 dated 01.12.2023, under Sections 15, 27-A & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Pehowa, District Kurukshetra.

(2) Allegations are that co-accused Gursewak Singh @ Gabi & Narsi Singh @ Kala were found in possession of Doda Post/Poppy Straw without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 01.02.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 01.02.2024 and the order reads as under:-

“Contends that although State has produced some material indicating that certain payments were made in favour of co-accused Gursewak, through mobile No.98963-71645, but actually the above mobile was being used by the son of petitioner and he is already in custody. Also contends that above mobile phone has already been recovered by the police during investigation from the son of petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted for 14.03.2024.

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.”

- (7) It is acknowledged by learned State Counsel on instructions that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.
- (8) In view of the above, present petition is allowed; interim order dated 01.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) 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.
- (11) 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.
- (12) Pending application(s), if any, shall also stand disposed off.

22nd April, 2024
Gagan/v

(MAHABIR SINGH SINDHU)
JUDGE

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