

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-631-2024
Date of decision : 23.04.2024

MOHIT @ MOHIT KUMAR AND ANOTHERPetitioners

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aditya Dassaur, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 24.01.2024, the following order was passed :-

“Apprehending their arrest in FIR No.173 dated 12.12.2023, registered for offences punishable under Sections 21(b)/22/29 of the NDPS Act, 1985 at Police Station Adampur Jalandhar, District Jalandhar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners submits that the petitioners have been nominated on the basis disclosure. He further submits that the disclosure suffered by the co-accused being a weak piece of evidence cannot be relied to drive home offence against them. Reliance is being placed upon the law laid down by the Apex Court in **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1.**

Adjourned to 23.04.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/ Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Avtar Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 24.01.2024 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioners.
6. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioners in case the occasion arises.
7. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Petition stands disposed off accordingly.

April 23, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No