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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2688 of 2024 (O&M)

Date of decision : 22.04.2024

Gora Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab

PANKAJ JAIN, J. (ORAL)

1 On 19.01.2024 the following order was passed:-

“Apprehending his arrest in FIR No.133 dated 28.11.2023, registered for offences punishable under Sections 22/29/61/85 of the NDPS Act, at Police Station Sadar Moga, District Moga, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

*Ld. Counsel for the petitioner inter alia contends that the petitioner has been nominated on the basis of the disclosure made by co-accused Paramjit Singh @ Pappa and apart from that there is no allegation against the petitioner. He further submits that the petitioner has clean antecedents. Reliance is being placed upon **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1.***

Issue notice of motion, returnable for 22.04.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

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 Learned State counsel on instructions from ASI Gurpreet Singh has stated that pursuant to the order dated 19.01.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 19.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 This order should not be treated as "blanket" order. It will not be read granting petitioner 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 petitioner.

6 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner 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, 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.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

22.04.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No