

2024:PHHC:058316

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-3206-2024
Date of decision : 25.04.2024

Kishor Chand Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 25.01.2024, following order was passed:-

“Apprehending his arrest in FIR No.148 dated 07.12.2022, registered under Section 21(a) of NDPS Act and Sections 29/61/85 of NDPS Act added later on at Police Station Jaitu, District Faridkot, Punjab, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner *inter alia* submits that the petitioner has been nominated on the basis of disclosure made by Kajal, who happens to his wife. He further submits that the petitioner has clean antecedents. He further relies upon dictum of law laid down in *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1* to contend that statement suffered by co-accused under Section 67 of the NDPS Act will be a weak piece of evidence.

Notice of motion for 25.04.2024.

On the asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts

2024:PHHC:058316

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. Today, learned State counsel, on instructions from ASI Shamsher Singh, has stated that pursuant to the order dated 25.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 25.01.2024 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.

2024:PHHC:058316

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

(PANKAJ JAIN)
JUDGE

25.04.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No