

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

CRM-M-3557-2024

Date of decision : 12.03.2024

SURINDERPAL SINGH ALIAS SHINDA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sourabh, Advocate for
Mr. Neeraj Jain, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 23.01.2024, the following order was passed :-

“Apprehending his arrest in FIR No.01 dated 01.01.2024, under Sections 21(b), 27, 29, 61, 85 of N.D.P.S. Act at Police Station Sadar Mansa, District Mansa, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia submits that the petitioner has been nominated on the basis of disclosure made by co-accused Khem Singh who was arrested and found to be in possession of 18 gram of heroin. Apart from the said disclosure, there is no incriminating evidence against petitioner and he has clean antecedents. Further submits that the disclosure suffered by co-accused cannot be relied upon to drive home the guilt qua petitioner in view of law laid down by Supreme Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 Supreme Court Cases 1.**

Notice of motion.

On asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab appears and accepts notice on behalf of the respondent/ State.

Adjourned to 12.03.2024.

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 submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
- 3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 23.01.2024 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 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 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 accordingly.

March 12, 2024
Dpr

(Pankaj Jain)
Judge

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