

209 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-4323-2024 (O&M)
Date of Decision: 25.04.2024

Manpreet Singh @ Mani

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Saksham Dudeja, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.180 dated 07.12.2023 registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station, Doraha, District Khanna.

2. As per allegations, 06 grams of *heroin* was recovered from co-accused Kirpal Singh @ Pala and Gopal Verma @ Gopi. Petitioner has been nominated on the basis of disclosure made by aforesaid co-accused.

3. Learned counsel contends that no recovery was effected from the petitioner; he has been nominated on the basis of disclosure made by co-accused Kirpal Singh @ Pala and Gopal Verma @ Gopi. Also contends that he was granted interim bail vide order dated 29.01.2024 and in pursuance of that, he has joined investigation; thus, his custodial interrogation is not required.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

5. Heard learned counsel for the parties and perused the paper-book.

6. This Court vide order dated 29.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated on the basis of disclosure made by co-accused-Kirpal Singh @ Pala and Gopal Verma @ Gopi from whom 06 grams of heroin was allegedly recovered. Also contends that apart from the disclosure, there is no other material regarding the complicity of petitioner.

Notice of motion.

Mr. M.S.Tiwana, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 21.03.2024.

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. In pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required by the Police, at this stage; thus, interim order dated 29.01.2024 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

25.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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