

2024:PHHC:051272

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

212

CRM-M-4567-2024

Date of Decision : April 16, 2024

**SHAMPY SINGH**

**-PETITIONER**

**V/S**

**STATE OF PUNJAB**

**-RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Mikhail Kad, Advocate  
for the petitioner.

Mr. Raghav Garg, A.A.G, Punjab.

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**KULDEEP TIWARI, J. (ORAL)**

1. On 30.01.2024, this Court had passed the hereinafter  
extracted order, upon the instant petition:-

*“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.158 dated 30.10.2023, under Section 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at P.S. Sadar Dhuri, District Sangrur.*

*2. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the name of the petitioner has surfaced as an accused in the instant case, merely on the basis of a disclosure statement, as suffered by co-accused Kirandeep Kaur @ Ghoka. Except the disclosure statement (supra), there is no cogent evidence on record to substantiate the allegation that it was the petitioner, who had supplied the allegedly recovered 06 grams chitta/heroin to the co-accused. Moreover, the allegedly recovered contraband is marginally higher than the prescribed “small quantity”, and, apart from the instant case, the petitioner is not involved in any other criminal case and has clean antecedents.*

*3. Considering the fact that the recovery of contraband in the present case was effected from co-accused, besides the quantity of*

*recovered contraband being marginally higher than the prescribed “small quantity”, this Court deems it appropriate the grant the asked for relief to the petitioner.*

4. *Notice of motion for 16.04.2024.*

5. *Mr. Jashandeep Singh, A.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

6. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”*

2. Today, the learned State counsel, on instructions imparted to him by the official concerned, has stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 30.01.2024, as made by this Court, is hereby 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. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

April 16, 2024  
devinder

(KULDEEP TIWARI)  
JUDGE

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