

2024:PHHC:081985



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-6642-2024 (O&M)
Date of decision: 03.07.2024

Sandeep Kumar @ Seepa ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. M. S. Saini, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No. 136 dated 24.11.2022, registered under Sections 21 and 29 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station Chabbewal, District Hoshiarpur.
2. Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of SI Joginder Singh, it is stated that while he along with other police officials was on patrol duty, a person was seen coming from Sant Market side who was carrying a black color polythene in this right hand. On seeing the police party, he threw the said polythene bag on the ground and tried to run from the spot. However, he was apprehended by the police. On inquiry, he disclosed his name as

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Jaswinder Sindhu. Thereafter, on the basis of suspicion, he was apprehended and was given a notice under Section 50 of the NDPS Act with an option to be searched either before a Gazetted Officer or a Magistrate, on which, he reposed faith in the Investigating Officer and a consent memo was prepared. On search of the said polythene bag, recovery of 253 grams of heroin was effected, which falls under the commercial quantity. The petitioner was nominated on the basis of the disclosure made by co-accused Ajay Kumar @ Lucky, who was also not arrested at the spot and was nominated on the basis of disclosure statement made by main accused Jaswinder Sidhu.

3. Vide order dated 08.02.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Learned counsel for the petitioner submits that in compliance with the said order, the petitioner has joined investigation.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 10.02.2024 and he is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 08.02.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

03.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No