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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9566-2024

Date of Decision : 06-05-2024

Sanju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Kanwar Inder Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG Punjab
along with SI Krishan Kumar.

PANKAJ JAIN, J. (Oral)

1. The petitioner has prayed for grant of anticipatory bail in
FIR No.190 dated 23.12.2023 registered under Sections 21/29/61/85 of
the NDPS Act at Police Station Sadar Dhuri, District Sangrur.

2. On 01.04.2024, while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.190 dated 23.12.2023
registered under Sections 21/29/61/85 of the NDPS Act at Police
Station Sadar Dhuri, District Sangrur, petitioner seeks pre-arrest bail.*

*Learned counsel for the petitioner inter alia submits that the petitioner
has been nominated only on the basis of disclosure statement of co-
accused from whom 100 grams of Heroin was recovered.*

Notice of motion for 06.05.2024.

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

3. Today, learned State counsel, on instructions from SI Krishan Kumar has stated that pursuant to the order dated 01.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 01.04.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. 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.

6. 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.

7. 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.

8. 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.
9. Petition stands disposed off.
10. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

06-05-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes
Whether Reportable No