

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

**CRM-M-9241-2024 (O&M)
Date of decision : 03.04.2024**

Gurmeet Singh @ Geeta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Narender Kaajla, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.139 dated 17.09.2023, under Section 21(b) of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27A NDPS Act added later on), registered at Police Station Jakhal, District Fatehabad.

(2) Allegations are that co-accused Mangal Singh was found in possession of 45 grams of *heroin* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 21.02.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Satnam Singh, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 21.02.2024 and the order reads as under:-

“Contends that petitioner has been nominated as accused on the basis of second disclosure made by co-accused-Mangal Singh from whom 45 grams of heroin is alleged to have been recovered. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG Haryana accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding complicity of the petitioner.

Posted for 03.04.2024.

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 Code of Criminal Procedure, 1973.

To be heard along with CRM-M-62114-2023.”

(7) It is acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.

- (8) In view of the above, present petition is allowed; interim order dated 21.02.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

3rd April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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