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

**CRM-M-9952-2024 (O&M)
Date of decision : 09.05.2024**

Sukhjeet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ankur, Advocate,
for Mr. A.S. Nirmaan, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr.DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.211 dated 18.09.2023, under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Dharamkot, District Moga.

2. Allegations are that 255 grams of Heroin as well as Rs.20,000/- drug money was recovered from co-accused of the petitioner.

3. Contends that this Court, granted interim bail to petitioner on 18.03.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.



4. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated 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. It is an admitted position that petitioner was granted interim bail by this Court/ the Coordinate Bench on 18.03.2024 and relevant part of the same is recapitulated as under:-

“Short reply dated 18.03.2024 by way of affidavit of Amarjit Singh, PPS, Depty Superintendent of Police, Dharamkot, District Moga has been filed on behalf of respondent-State, which is taken on record. Copy supplied to the other side. Registry to do the needful.

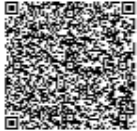
Upon perusal of the above affidavit, prima facie, the complicity of petitioner is not discernible, except the mere disclosure of co-accused.

Faced with the above situation, learned State counsel seeks time to have further instructions in the matter.

Posted 09.05.2024.

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. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined the investigation and his custodial interrogation is not required at this stage.



8. In view of above, interim order dated 18.03.2024 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. Disposed off accordingly.
12. Pending application(s), if any, shall also stand disposed off.

09.05.2024

Rajneesh/atulsethi

**(MAHABIR SINGH SINDHU)
JUDGE**

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