

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12173-2024(O&M)
Date of decision: 25.04.2024

Ashwani Kumar @ Achhi

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') has been filed for grant of pre-arrest bail to the petitioner in FIR No. 185 dated 25.09.2022 registered under Sections 21,22 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station, Basti Bawa Khel, District Police Commissionerate Jalandhar.

(2) Allegations are that 7 grams heroin and 265 grams intoxicant powder was recovered from co-accused, who allegedly purchased said contraband from petitioner.

(3) Contends that this Court granted interim bail to the petitioner on 07.03.2024 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 transpires that petitioner was granted interim bail by this Court on 07.03.2024 and order reads as under:-

“ Contends, inter alia, that the petitioner has been nominated merely on the basis of disclosure made by co-accused and

there is no other case pending against him under the provisions of NDPS Act.

Notice of motion.

Mr. Neeraj Madaan, Sr. DAG, Punjab accepts accepts notice on behalf of the respondent-State and seeks time to verify the above factual position.

Posted for 25.04.2024.

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 the Code of Criminal Procedure, 1973.”

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

(8) In view of above, interim order dated 07.03.2024 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) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.

(12) Disposed off accordingly.

(13) Pending application(s), if any, shall also stand disposed off.

25.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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