



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

**CRM-M-14706-2024 (O&M)
Date of decision : 08.05.2024**

Sukhdev Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab 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.0018 dated 19.02.2024, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on), registered at Police Station Sadar Zira, District Ferozepur.

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- (2) Allegations are that co-accused Amrik Singh was apprehended with 8 Kg. of *Poppy Husk* from the spot without any license; whereas petitioner ran away from there after seeing the police party.
- (3) Contends that petitioner was granted interim bail by this Court, vide order dated 21.03.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.
- (4) Learned State Counsel, on instructions, 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 21.03.2024 and the order reads as under:-

“Contends that no contraband was recovered from the petitioner; rather 8 Kg. Poppy Husk is alleged to have been recovered from co-accused Amrik Singh. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On asking of the Court, Mr. Adarsh Pal Singh, AAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 08.05.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety

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bonds to his satisfaction. The petitioner is also directed to 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 on instructions 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 21.03.2024 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 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.

8th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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