



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

**CRM-M-16700-2024 (O&M)
Date of decision : 09.05.2024**

Baljeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, 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 anticipatory bail to the petitioner in FIR No.12, dated 23.01.2024, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 added later on), registered at Police Station Garhshankar, District Hoshiarpur.

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(2) Status Report by way of an affidavit dated 07.05.2024 of Sh. Parminder Singh, DSP, Sub Division Garhshankar, District Hoshiarpur has been filed. The same is taken on record.

(3) Allegations are that co-accused Rohit was found in possession of 82 grams *intoxicant powder* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(4) Learned State Counsel, on instructions acknowledged that petitioner was granted interim bail by this Court, vide order dated 05.04.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required as on today.

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

(6) It is not in dispute that petitioner was granted interim bail by this Court on 05.04.2024 and the order reads as under:-

“ Contends inter-alia that petitioner has been nominated on the basis of disclosure made by co-accused Rohit from whom alleged contraband i.e. 82 gm of heroin was recovered and there is no other criminal case pending against him under the NDPS Act.

Notice of motion.

On the asking of the Court, Ms. Manjot Kaur, AAG, Punjab 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 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

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petitioner shall also abide by all the conditions as envisaged under Section 438(2) of 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 05.04.2024 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.

9th May, 2024
Rajneesh/Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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