



105 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-26773-2024 (O&M)
Date of Decision: 24.05.2024

Harmesh Masih @ Mesha

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Divya Gulati, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No. 28 dated 24.03.2024 registered under Sections 21 and 27-A of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on), at Police Station, Fatehgarh Churian, District Batala (Gurdaspur).

2. Allegations are that 40 grams *heroin* along with drug money of Rs.51,000/- was recovered from co-accused Bikramjit Singh and Charlas Masih. During investigation, petitioner was nominated in the present case on the basis of disclosure made by said Bikramjit Singh and Charlas Masih.

3. Learned counsel contends that petitioner has been nominated merely on the basis of disclosure made by above co-accused and there is no other material with the Police regarding his complicity in the present case. Also contends that petitioner is ready to join the investigation, but he be protected.

4. *Per contra*, learned State counsel, while opposing the prayer submits out that petitioner is facing one more case under the NDPS Act; thus, his custodial interrogation would be required to know the *modus operandi*.



5. Heard learned counsel for the parties and perused the paper-book.
6. It transpires that apart from the present FIR, petitioner is involved in one more FIR, the details of which is as under:-

<i>Sr. No.</i>	<i>FIR NO.</i>	<i>Under Section</i>	<i>Police Station</i>	<i>Status</i>
1.	25/2023	22 & 29 of NDPS Act, 1985	Mattewal	Pending

7. In view of the above, custodial interrogation of the petitioner would be required to know the true facts. Thus, there is no option, except to dismiss the petition.
8. Ordered accordingly.
9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

24.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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