



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

CRM M-30731-2023 (O&M)

Date of Decision: 20.05.2024

Ramesh Kumar @ Ramesh @ Rishi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gagandeep Singh Simble, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab
assisted by ASI Jaspal Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C") for seeking pre-arrest bail in FIR No.41 dated 05.05.2023 registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on), at Police Station, Sadar Batala, Police District Batala, District Gurdaspur.

2. Allegations are that co-accused Rahul Kumar @ Tidi was found in possession of 100 grams of *heroin* along with currency notes of Rs.200/- denomination and petitioner has been nominated on the basis of disclosure made by above Rahul Kumar @ Tidi.

3. Learned counsel contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused Rahul Kumar @ Tidi. Also contends that quantity recovered from said Rahul Kumar @ Tidi is non-commercial in nature. Further contends that petitioner was granted interim bail vide order dated 14.07.2023 by this Court and in pursuance thereof, he has joined investigation; thus, his custodial interrogation is not required.



4. Learned State counsel has acknowledged the factum of joining investigation by the petitioner. It is also acknowledged that custodial interrogation of petitioner is not required.

5. Heard learned counsel for the parties and perused the paper-book.

6. This Court vide order dated 14.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that as per case of the prosecution itself, alleged contraband (non-commercial) was recovered from main accused, namely, Rahul @ Tidi and the petitioner has been nominated on the basis of disclosure made by aforesaid co-accused.

Also contends that petitioner is undergoing treatment in Civil Hospital, Batala.

Learned State Counsel will take instructions about the De-Addiction Centre(s), which are run by the Government of Punjab or NGO(s) in District Gurdaspur as on 01.07.2023.

Posted for 25.08.2023.

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 in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973”

7. In pursuance of the aforesaid order, petitioner has joined investigation; hence, interim order dated 14.07.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.



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. Disposed off accordingly.
11. Pending criminal misc. application(s), if any, shall also stand disposed off.

20.05.2024
SN/v

(MAHABIR SINGH SINDHU)
JUDGE

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