



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-31991-2024

Date of Decision : September 04, 2024

YUGRAJ SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. B.B.S.Randhawa, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On 08.07.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of pre-arrest bail, in case FIR No.59 dated 22.06.2024, under Section 21 of the N.D.P.S. Act (Section 29 of the N.D.P.S. Act added subsequently), registered at P.S. Fatehgarh Churian, Police District Batala, District Gurdaspur.

2. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Vishal Masih, from whom 06 grams heroin was recovered. Except the disclosure statement of co-accused (supra) that he had procured the recovered contraband

**CRM-M-31991-2024****-2-**

from the petitioner, there is no other cogent evidence on record to substantiate the allegation that it was the petitioner, who had supplied the allegedly recovered contraband. Moreover, the allegedly recovered contraband is marginally higher than the prescribed "small quantity".

3. Lastly, the learned counsel for the petitioner submits that, although the petitioner is involved in two more criminal cases, however, none of them pertains to N.D.P.S. Act.

4. Notice of motion for 04.09.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."

2. Today, the learned State counsel has, on instructions imparted to him by ASI Jagtar Singh stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 08.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

**CRM-M-31991-2024****-3-**

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

September 04, 2024

ajay-1

**(KULDEEP TIWARI)
JUDGE**

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