



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

CRM-M-35006-2024

Date of Decision : 03.09.2024

RAJWINDER SINGH

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.S.Sekhon, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 24.07.2024, 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, who claims to have clean antecedents, seeks the concession of anticipatory bail, in case FIR No.61 dated 13.05.2024, under Sections 21 and 29 of the N.D.P.S. Act, 1985, registered at P.S. Urban Estate, Patiala, District Patiala.
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 his co-accused, from whom 150 grams of heroin was recovered. Except the disclosure statement, there is no other cogent evidence on record to connect the petitioner with the alleged crime. Moreover, the allegedly recovered contraband falls within “non commercial quantity”.
3. Notice of motion for 13.08.2024.
4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab and he is directed to file reply to the instant petition, detailing therein the role and criminal antecedents of the petitioner, besides detailing the

incriminatory material, as collected by the investigating officer concerned, which connects the petitioner with the alleged crime.

5. 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. Vide order dated 13.08.2024, the petitioner was again directed to join investigation, subject to payment of cost of Rs.10,000/-, to be deposited in the DLSA concerned.

3. Learned State counsel has filed a short reply dated 12.08.2024, by way of an affidavit of Mr. Jangjit Singh, DSP, City-II, District Patiala, which is taken on record.

4. He further, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 24.07.2024, 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;
- (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 03, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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