

2024:PHHC:048087

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

206

CRM-M-36413-2023
Date of Decision : 09.04.2024

SARABJIT SINGH @ SABBA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S.Bajwa , Advocate,
for the petitioner.

Mr.Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 06.11.2023, the following order was passed by a co-ordinate Bench of this Court:-

“Learned counsel for the petitioner submitted that it is a case where as per the allegation the petitioner alongwith the other two coaccused were intercepted by the police but the other co-accused were arrested and as per the police, the petitioner was the third person which according to the police was based upon an inquiry in this regard. He further submitted that the petitioner has been falsely implicated in the present case and he is having clean antecedents and is not involved in any other case. He further submitted that no recovery has been effected from the petitioner whereas 20 grams of heroin and 105 tablets of Etizolam along with money of Rs. 52,000/- was recovered from the car. He submitted that there is no evidence to connect the petitioner with the present offence nor the same has been so mentioned in the affidavit which has been filed by the State in this regard. He also submitted that even as per the affidavit filed by the State, there is no apprehension expressed that in case the petitioner is released on bail, then he may abscond or he may not cooperate with the investigation process. He submitted that bar of Section 37 of the NDPS Act will not apply to the petitioner because there is no recovery effected from the petitioner in the present case and he is having clean antecedents.

In view of the above, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting /Investigating Officer. However, the petitioner shall continue to join the investigation as and when called

upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 19.02.2024.”

2. Learned State counsel, on instructions imparted to him by ASI Jasbir Singh, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 06.11.2023 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

April 09, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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