

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

CRM-M-37190-2023

Date of decision : 13.03.2024

ANKUSH CHOPRA @ SHALLU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jagjit Singh, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Status report by way of affidavit of Satvinder Singh Virk, PPS, DSP, Special Task Force, Ludhiana Range, Ludhiana has been filed on behalf of respondent/State today in Court, which is taken on record.

2. On 09.10.2023, the following order was passed :-

Apprehending his arrest in FIR No.172 dated 20.06.2023, registered for offences punishable under Sections 18, 21, 61, 85 of the NDPS Act, 1985 at Police Station STF Mohali, District STF Wing Mohali, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner *inter alia* contends that the petitioner has been nominated on the basis of the disclosure made by one Alisha Chopra who happens to be sister-in-law (Bhabi) of the present petitioner. Even in other matters registered against the petitioner, the petitioner was nominated by invoking Section 29 of the NDPS Act only.

Issue notice of motion, returnable for 06.11.2023.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/ Investigating Officer. As and when called, the petitioner shall join

the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

3. Today, Ld. State Counsel on instructions from ASI Lakhwinder Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation. He further submits that there is no other case against the petitioner under the NDPS Act however he is involved in two more cases under the IPC.
4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 09.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
5. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.
7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
8. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
9. Petition stands disposed off accordingly.

March 13, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No