

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201CRM-M No.40345 of 2023 (O&M)
Date of decision : 09.02.2024

Ravinder Singh..... Petitioner

versus

State of Punjab..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Simsi Dhir Malhotra, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No. 181 dated 11.07.2023 registered under Section 15(b)/29/61/85
of Narcotic Drugs and Psychotropic Substances Act at Police Station
Phillaur, District Jalandhar, Rural.

2 On 18.08.2023, following order was passed:-

*“Instant petition has been filed under Section 438 of the
Code of Criminal Procedure, 1973 seeking pre-arrest bail in:-*

FIR No.	Dated	Police Station	Sections
181	11.07.2023	Phillaur, District Jalandhar Rural	15(b) and 29 of NDPS Act

*Counsel for the petitioner contends that although the
petitioner allegedly has a criminal past, but no recovery has been
effected from him. He submits that the petitioner has been
arraigned as an accused on the basis of disclosure statement of
Kulwant Singh @ Sabi, who was driving a truck owned by the
petitioner and recovery of 35 kg of poppy husk, which falls within
the ambit of non-commercial quantity, has been effected. Counsel*

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submits that the petitioner is prepared to join the investigation as well as furnish an affidavit by way of an undertaking that henceforth he will not get involved in any unlawful activity.

On asking of the Court, Mr. Anup Singh, DAG, Punjab accepts notice on behalf of the State-respondent.

List on 19.10.2023.

Petitioner is directed to join the investigation on 31.08.2023 at 11.00 A.M. at Police Station Phillaur, District Jalandhar Rural and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Affidavit by way of an undertaking by the petitioner Court as well as before the Investigating Officer. be filed before this Court as well as before the Investigating Officer.”

3 Today, learned State counsel, on instructions states that pursuant to the order dated 18.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 18.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 This order should not be treated as "blanket" order. It will not be read granting 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, 1872 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.

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

11 Pending application(s), if any, shall stand disposed off.

09.02.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No