



CRM-M-41590-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM-M-41590-2024
Date of Decision : 03.10.2024

Arvinder Singh @ Babu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Harlove Singh Rajput, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. This Court, on dated 28.08.2024, had passed the hereinafter
extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under
Section 482 of the B.N.S.S., 2023, the petitioner, who
claims to have clean antecedents, seeks the concession of
anticipatory bail, in case FIR No.169 dated 07.08.2024,
under Sections 18 and 29 of the N.D.P.S. Act, 1985,
registered at P.S. Dasuya, Hoshiarpur.

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 Davinder Singh,
from whom 150 grams of opium 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 03.10.2024.

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

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

3. In view of the above, the hereinabove extracted interim order dated 28.08.2024, 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 expression of opinion, on the merits of the case.

(KULDEEP TIWARI)
JUDGE

October 03, 2024
Manpreet

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