

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45715-2023(O&M)
Date of decision: 12.01.2024

Kuldeep Kumar
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhinav Singla, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.65 dated 24.08.2023, under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Hajipur, District Hoshiarpur.

(2) Allegations are that petitioner was intercepted by the police, but he managed to flee by leaving the Aactiva at the spot, from which 7 Kg. Poppy Husk was recovered.

(3) This Court while issuing notice of motion on 14.09.2023, granted interim bail to the petitioner and which reads as under:-

“Notice of motion.

On advance service of copy of petition, learned State counsel appears and accepts notice on behalf of respondent-State of Punjab and seeks time to get instructions.

Adjourned to 15.11.2023.

In the meanwhile, the petitioner shall join investigation, as and when required by the Investigating Agency and subject to his reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case his arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on his furnishing personal bonds to the satisfaction of Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438(2) Cr. P.C.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel on instructions from ASI-Gurvinder Jit Singh submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 14.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

12.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No