

212 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-49111-2023 (O&M)

Date of Decision: 06.02.2024

Jaswinder Singh @ Bittu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by ASI Sarwan Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.114 dated 05.09.2023 registered under Section 18 of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on) at Police Station, Vairoke, District Fazilka.

2. Allegations are that 1 kg opium was recovered from the house of petitioner; whereas he successfully ran away from the spot.

3. This Court vide order dated 30.10.2023, granted interim bail to petitioner and the same reads as under:-

“Short reply by way of affidavit of Sh. Achhru Ram Sharma, PPS, Deputy Superintendent of Police, Sub Division, Jalalabad, District Fazilka, filed on behalf of respondent No.1-State is taken on record.

Registry to tag the same at appropriate place.

As per allegations of the prosecution itself, five Police officials were present when the petitioner successfully ran away; thus, prima-facie, allegations appear to be absolutely not convincing.

Senior Superintendent of Police, Fazilka shall take suitable action in the matter and report be submitted before the next date of hearing.

Posted on 06.12.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation and his custodial interrogation is not required.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.
6. In view of above, interim order dated 30.10.2023 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. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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