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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50720-2023
Date of decision : 16.01.2024

MEWA SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Anmol Jeevan Singh Gill, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 11.10.2023, the following order was passed :-

“Apprehending his arrest in FIR No.0068 dated 22.08.2023, registered for offences punishable under Section 21 (C), 29/61/85 of NDPS Act and Sections 10/11/12 of Aircraft Act, 1934, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Status report by way of affidavit of Joginder Singh, PPS, Deputy Superintendent of Police, PBI, Economic Offences & Cyber Crime, Tarn Taran, District Tarn Taran has been filed on behalf of the respondent-State. The same is taken on record.

Counsel for the petitioner inter alia submits that the name of the petitioner has figured in the disclosure alleged to have been made by Jugraj Singh, who was found to be in possession of 2 kg of heroin and a drone.

The case of the prosecution is based upon disclosure made by said Jugraj Singh. The petitioner has no criminal

antecedents of being involved in any other case.

Notice of motion for **16.01.2024**.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, who is present in Court, 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.”

2. Today, Ld. State Counsel on instructions from ASI Gursahiv Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 11.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. 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.
5. 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.
6. 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.

7. 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.
8. Petition stands disposed off accordingly.

January 16, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No