

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51288 of 2023
Date of decision : 08.01.2024

Kulbir Singh @ Bittu Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ajaypal Singh Sandhu, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.163 dated 17.09.2023 registered under Sections 21, 23, 61 and
85 of NDPS Act at Police Station Sadar, Ferozpur (Punjab).

2 On 10.10.2023 while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.163 dated 17.09.2023
registered for offence punishable under Sections 21, 23, 61, 85 of
NDPS Act at Police Station Sadar, Ferozepur, the petitioner has
preferred this petition under Section 438 Cr.P.C. seeking pre-arrest
bail.*

*Inter-alia submits that even if allegations as levelled in the FIR
and claim of the prosecution are taken to be true on the face value, the
same would not constitute any offence punishable against the
petitioner much less under the NDPS Act. Moreover, the petitioner has
no criminal antecedents.*

Notice of motion.

*On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab
appears and accepts notice on behalf of the respondent/State.*

Adjourned to 08.01.2024.

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.”

3 Today, learned State counsel, on instructions from ASI Jaspal Singh, has stated that pursuant to the order dated 10.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 10.10.2023 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 applications if any, shall stand disposed of.

(PANKAJ JAIN)
JUDGE

08.01.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No