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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51598-2023
Date of decision : 16.01.2024

SANDEEP KUMARPetitioners

Versus

STATE OF PUNJABRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sanjay Verma, 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.0090, dated 01.09.2023, registered for offences punishable under Sections 22/29/61/85 of the NDPS Act, at Police Station Julkan, District Patiala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner *inter alia* contends that the petitioner has been nominated on the disclosure made by co-accused Tehal Singh and Satpal Singh. The petitioner has clean antecedents and has no history of ever being involved in offence punishable under the NDPS Act. Apart from the disclosure made by co-accused there is nothing at this stage against the petitioner and the disclosure is inadmissible in evidence in view of law laid down by the Supreme Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1.**

Issue notice of motion, returnable for 16.01.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and

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 Gurbhej 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