

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52715-2023
Date of decision : 13.02.2024

SAJJAN SINGH
Versus
STATE OF PUNJAB
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Madan Sandhu, Advocate for the petitioner.
Mr. Sidharth Sandhu, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 20.10.2023, the following order was passed :-

“Apprehending his arrest in FIR No.297 dated 27.09.2023, registered for offences punishable under Sections 15 and 29 of NDPS Act (Section 25 of NDPS Act added later on) at Police Station Dera Bassi, District SAS Nagar (Mohali), the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Status report by way of an affidavit of Narinder Chaudhary PPS, Deputy Superintendent of Police, Sub Division Derabassi, District SAS Nagar (Mohali) has been filed on behalf of the respondent-State. The same is taken on record.

Learned counsel for the petitioner inter alia submits that truck was being used for transporting sanitary ware. The allegation against the petitioner is that he was owner of the truck under an affidavit and has been nominated on the basis of disclosure. The petitioner has clean antecedents.

Adjourned to 13.02.2024.

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.”

2. Counsel for the petitioner submits that the petitioner submits that the petitioner has been nominated on the basis of disclosure made by co-accused which itself is a weak piece of evidence in view of law laid down by the Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1.**

3. Today, Ld. State Counsel submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 20.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
5. 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.
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 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 accordingly.

February 13, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No