

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 53705 of 2023 (O&M)
Date of decision : 08.02.2024

Kulbeer Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. Arun Gupta, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 On 20.10.2023 the following order was passed:-

“Apprehending his arrest in FIR No.125, dated 25.09.2023, registered for offences punishable under Sections 21 of the NDPS Act, 1985 (later on added Section 29 of the NDPS Act) at Police Station Sadar Jalalabad, District Fazilka, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia submits that the petitioner has been nominated merely on the basis of disclosure made by co-accused Gurpreet Singh who was apprehended along with 100 grams of heroin and the petitioner has clean antecedents.

Issue notice of motion, returnable for 08.02.2024.

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 Learned State counsel on instructions from ASI Gurbax Singh has stated that pursuant to the order dated 20.10.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 20.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 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.

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, 1872 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.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.02.2024

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No