

2024:PHHC:005993

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206-2

CRM-M-56130-2023
Date of decision : 12.01.2024

Happy Singh @ Shinder Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 07.11.2023, following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in:-

FIR No.	Dated	Police Station	Sections
46	27.08.2023	Smalsar, District Moga	304, 34, IPC (later on Sections 21 and 29 of the NDPS Act were added)

Counsel for the petitioner submits that FIR, Annexure P-1, has been registered on the statement of Zora Singh, father of deceased, Manpreet Singh. Counsel submits that as per the allegations levelled in the FIR, deceased was a drug addict, who used to purchase heroin from Kiranpreet Kaur @ Kiran and her brother, Gurpreet Singh and despite the complainant objecting, the co-accused used to supply the drugs to him. Counsel submits that the petitioner has been arraigned as an accused on the basis of disclosure statement of Kiranvir Kaur @ Kiran from whom five grams heroin has been recovered and the petitioner has been named as the

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supplier. He submits that the petitioner, who has clean antecedents and is a young man, is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. Pankaj Khullar, AAG, Punjab accepts notice on behalf of the State-respondent.

List on 12.01.2024.

Petitioner is directed to join the investigation on 24.11.2023 at 10:00 A.M. at Police Station Smalsar, District Moga and co-operate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

To be heard with CRM-M-50151-2023.”

2. Today, learned State counsel, on instructions from Investigating Officer, has stated that pursuant to the order dated 07.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 07.11.2023 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

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

(PANKAJ JAIN)
JUDGE

12.01.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No