

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56693-2023
Date of decision: 09.01.2024

Buta Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.
Mr. M.S. Tiwana, AAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0185 dated 18.09.2023, under Sections 22C, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City 1, Abohar, District Fazilka.

(2) Allegations are that on the basis of a secret information, 7000 loose tablets were recovered from co-accused Kabal Singh and present petitioner was also named by the secret informer.

(3) This Court while issuing notice of motion on 09.11.2023, granted interim bail to the petitioner and which reads as under:-

“Contends that although, petitioner has been named in the FIR in question on the basis of secret information, but recovery of alleged contraband is from the co-accused (Kabal Singh) and there is no other criminal case pending against the petitioner.

Notice of motion.

Mr. C.L. Pawar, Addl. A.G., Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 09.01.2024.

In the meanwhile, the petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (4) Learned State Counsel on instructions from ASI-Mohan Lal submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (5) In view of above, interim order dated 09.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (6) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (8) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (9) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

09.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No