

216 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-57005-2023 (O&M)
Date of Decision: 06.02.2024

Neeraj @ Neeraj Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh K. Dadwal, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG Punjab
assisted by Inspector Usha Rani.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.136 dated 24.11.2022 registered under Section 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 NDPS Act and Section 25 of Arms Act added later on) at Police Station, Chabbewal, District Hoshiarpur.

2. Allegations are that 253 grams heroin and drug money of Rs.5000/- were recovered from co-accused Jaswinder Singh. During investigation, he disclosed that alleged contraband was purchased from one Ajay Kumar @ Lucky and he was arrested on 20.08.2023. On the disclosure of above Ajay Kumar @ Lucky, petitioner was nominated in the present FIR.

3. A Coordinate Bench of this Court vide order dated 10.11.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner inter alia submits that the petitioner was named in the FIR on the basis of disclosure statement made by co-accused namely Ajay Kumar @ Lucky, there is no other case under NDPS Act stated to be pending against the petitioner and the recovery in the present case is marginally higher than the commercial quantity.

Notice of motion for 06.02.2024.

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

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation and his custodial interrogation is not required. Further submits that apart from disclosure of co-accused Ajay Kumar @ Lucky, there is no material with the prosecution regarding complicity of the petitioner.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. In view of above, interim order dated 10.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. 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.

9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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