

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-57671-2023 (O&M)
Date of decision : 22.04.2024**

Bhupinder Singh @ Gurbhinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.87 dated 21.09.2023, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 22 & 29 NDPS Act added later on), registered at Police Station Qadian, Police District Batala, District Gurdaspur.

(2) Allegations are that co-accused Vivek Masih was found in possession of 05 grams of *heroin* without any license and petitioner has been nominated on the basis of disclosure, made by another co-accused Billa.

(3) Learned State Counsel, on instructions from ASI Surinder Kumar submits that petitioner was granted interim bail by this Court, vide order dated 24.01.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required as on today.

(4) Heard learned State Counsel and perused the paper-book.

(5) It is not in dispute that petitioner was granted interim bail by this Court on 24.01.2024 and the order reads as under:-

“Short reply filed by way of affidavit dated 24.01.2024, of Mr. Rajesh Kakkar, PPS, Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

Learned counsel submits that petitioner has been implicated on the basis of disclosure of co-accused Billa, who was named by another accused-Vivek Masih, from whom recovery of 05 grams heroin is alleged.

Learned State counsel seeks time to verify the pendency of other criminal case(s) against petitioner.

Posted for 29.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the 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.”

(6) It is acknowledged by learned State Counsel on instructions from ASI Surinder Kumar that in pursuance of the aforesaid order, petitioner joined the investigation and as on today, his custodial interrogation is not required.

- (7) In view of the above, present petition is allowed; interim order dated 24.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) 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.
- (10) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (11) Pending application(s), if any, shall also stand disposed off.

22nd April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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