

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58214-2023

Date of decision : 14.02.2024

SUKHDEV SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Satwant Mehta, Advocate for the petitioner.

Mr. R.S. Bhatta, DAG, Punjab

PANKAJ JAIN, J. (ORAL)

On 20.11.2023, the following order was passed :-

“Apprehending his arrest in FIR No.62 dated 13.04.2019, registered under Sections 21/29 NDPS Act and Section 188 IPC at Police Station Sadar Patti, District Tarn Taran, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia submits that the petitioner has been nominated on the basis of disclosure made by co-accused from whom 1 kg of heroin was recovered. She further relies upon dictum of law laid down in **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1** to submit that the disclosure made by co-accused in police custody cannot be relied upon solely to implicate the petitioner.

Notice of motion for 14.02.2024.

On the asking of the Court, 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. Today, Ld. State Counsel on instructions from ASI Sukhjinder Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 20.11.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the 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 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 accordingly.

February 14, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No