

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

**CRM-M-59199-2023 (O&M)
Date of decision : 29.01.2024**

Shubam Sharma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gurpreet Singh, Advocate for
Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Mr. M.S.Tiwana, 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.132 dated 29.08.2023, under Sections 21 (c) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Jaitu, District Faridkot.

(2) Allegations are that co-accused Karan was found in possession of 270 grams *Heroin* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) This Court, while issuing notice of motion in the main case on 05.12.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated on the basis of disclosure made by co-accused, namely, Karan; and no recovery is alleged to have been effected from him. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion for 29.01.2024.

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.

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.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required. Also submits that apart from the disclosure of co-accused, there is no other material regarding the complicity of petitioner in this case.

(5) Learned State Counsel, on instructions from A.S.I. Sikander Singh, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required. He also acknowledged that apart from disclosure of co-accused, there is no other material with the prosecution regarding his complicity.

- (6) In view of above, interim order dated 05.12.2023 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) 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.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

29th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>