

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M No.61271 of 2023
Date of decision : 11.03.2024

Jalandhar Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in FIR No.183 dated 02.11.2023 registered under Sections 21 (a) of the Narcotic Drugs and Psychotropic Substances Act and Section 29 of the NDPS Act, 1985 (added lateron vide DDR No.24 dated 03.11.2023) at Police Station Nathana, District Bathinda.

2 On 06.12.2023, while issuing notice of motion the following order was passed:-

“Apprehending his arrest in FIR No.183 dated 02.11.2023, registered for offences punishable under Section 21(a) of the NDPS Act and Section 29 of the NDPS Act, 1985 added later on vide DDR No.24 dated 03.11.2023 at Police Station Nathana, District Bathinda, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that the petitioner has been nominated on the basis of disclosure made by one Pawan Kumar co-accused who was found to be in possession

CRM-M No.61271 of 2023

of 1 gram of intoxicant powder which is less than small quantity.

Issue notice of motion, returnable for 11.03.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of 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 on the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3 Today, learned State counsel, on instructions from SI Mangu Ram has stated that pursuant to the order dated 06.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 06.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 This order should not be treated as "blanket" order. It will not be read granting 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.

6 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.

7 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8 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.

9 Petition stands disposed off.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

11.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No