

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

CRM M-61396-2023 (O&M)
Date of Decision: 05.03.2024

Sony Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gaurav Arora, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.225 dated 03.10.2023 registered under Sections 15 & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, City Sunam, District Sangrur.

2. Allegations in brief are that on 03.10.2023, co-accused Lakhi was apprehended with 20 kgs of poppy husk in his possession, without any permit or licence. Petitioner is alleged to be the seller of said contraband.

3. Learned counsel contends that although petitioner is named in the FIR, but he was not arrested from the spot. Also contends that he has been nominated in the present FIR on the basis of disclosure made by co-accused Lakhi. Further contends that in pursuance of the interim order dated 07.12.2023, he has joined investigation and his custodial interrogation is not required by the Police.

4. 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.

5. Heard learned counsel for the parties and perused the paper-book.

6. A Coordinate Bench of this Court vide order dated 07.12.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner was nominated on the basis of disclosure statement of a co-accused from whom there was alleged recovery of 20 kg. Of Poppy Husk. She further submitted that petitioner is not involved in any other case and has got clean antecedents.

Notice of motion.

Mr. Ramdeep Partap Singh, learned Senior DAG, Punjab. accepts notice on behalf of the State of Punjab

Adjourned to 05.03.2024.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

In view of the above, interim order dated 07.12.2023 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.
9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

05.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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