

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

CRM-M-62350-2023

Date of decision : 19.03.2024

Kulwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Amarjot Kaur, Advocate
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 12.12.2023, the following order was passed :-

“Apprehending his arrest in FIR No.242 dated 01.11.2003, registered for offences punishable under Section 21 (Later on added Section 29) of the NDPS Act, 1985 of the Indian Penal Code, 1860 at Police Station Dharamkot, District Moga, 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 disclosure made by Veer Kaur from whom 20 grams of heroin was recovered. So far as two other FIRs are concerned in those also the petitioner has been nominated on the basis of disclosure and has been booked by resorting to Section 29 of the NDPS Act.

Issue notice of motion, returnable for 19.03.2024.

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 Jaswant Rai submits that the petitioner has joined investigation and in the present case

his custody is not required however the fact remains that the petitioner has soiled antecedents and is facing three more FIRs.

3. Faced with the situation counsel ounsel for the petitioner submits that in all three FIRs the petitioner is on bail and the quantity involved is less than commercial.

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 12.12.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. 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.

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 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 accordingly.

March 19, 2024
Dpr

(Pankaj Jain)
Judge

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