

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

**CRM-M-63743-2023 (O&M)
Date of decision : 05.03.2024**

Jaspreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, 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.148 dated 18.09.2022, under Sections 18(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sangat, District Bathinda.

(2) Allegations are that co-accused Shankar Lal was found in possession of 2 Kg. Opium (less than commercial) without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) Contends that petitioner was granted interim bail by this Court, vide order dated 19.12.2023 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) *Per contra*, learned State Counsel, on instructions from ASI Som Parkash, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) It is not in dispute that petitioner was granted interim bail by this Court on 19.12.2023 and the order reads as under:-

“Contends inter alia that petitioner has been nominated on the basis of disclosure made by co-accused from whom the alleged contraband (non-commercial) was recovered and there is no other criminal case pending against the petitioner as on today.

Notice of motion.

Mr. C.L.Pawar, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State and seeks time to verify the above factual position.

Posted for 14.02.2024.

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.”

(7) It is acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner joined the investigation and his custodial interrogation is not required at this stage.

(8) In view of the above, present petition is allowed; interim order dated 19.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) 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.

(11) 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.

(12) Pending application(s), if any, shall also stand disposed off.

5th March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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