

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65540-2023(O&M)
Date of decision: 24.04.2024

Baljeet Singh alias Ghugha
...Petitioner
Versus

State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhishek K. Kathpal, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.’) has been filed for grant of pre-arrest bail to the petitioner in FIR No. 112 dated 09.12.2023, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and Section 29 of NDPS Act (added subsequently), registered at Police Station, Qadian, District Batala.

(2) Allegations are that 03 gram heroin was recovered from co-accused-Balbair Singh who disclosed to have purchased the said contraband from petitioner.

(3) Contends that this Court granted interim bail to the petitioner on 11.01.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

(4) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated 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) It transpires that petitioner was granted interim bail by this Court on 11.01.2024 and order reads as under:-

“ Contends inter alia that as per prosecution story, only 03 grams heroin was allegedly recovery from the possession of co-accused-Balbir Singh and petitioner has been nominated on the basis of disclosure made by the said co-accused.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 27.02.2024.

In the meanwhile, petitioner shall join investigation before 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 personal bond and surety 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 above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.
- (8) In view of above, interim order dated 11.01.2024 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 made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

24.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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