



CRM-M-31334-2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-31334-2024 (O&M)
Date of Decision: 31.01.2025

Heera Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harpal Singh, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mahabir Singh Sindhu, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of pre-arrest bail to the petitioner in FIR No.71 dated 10.06.2024 (P-1), under Section 18 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS' Act), registered at Police Station Patti, District Tarn Taran.

2. Allegations are that 20 grams of opium, Rs.72,220/- cash amount being drug money as well as one .32 bore pistol were recovered from the house of petitioner.

3. Contends that petitioner was granted interim bail by Coordinate Bench, vide order dated 04.07.2024 and in pursuance thereof, he has already joined the investigation; hence, his custodial interrogation is not required.

4. The above factual position is not disputed by learned State Counsel, on instructions from investigating officer.

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

6. It transpires that petitioner was granted interim bail by the Coordinate Bench, vide order dated 04.07.2024 and the order reads as under:-



“By filing this petition, the petitioner seeks anticipatory bail in FIR No.71 dated 10.06.2024 under Section 18 of the NDPS Act registered at Police Station City Patti District Tarn Taran.

Learned counsel for the petitioner inter-alia submits that the petitioner is a victim of political rivalry as he had opposed the candidate of the ruling party in the recently held Lok Sabha elections. He submits that a raid at his house was conducted and as per version of the prosecution, during raid 20 grams of Opium along with some cash amount as drug money and a pistol was recovered. It is further submitted that for the house search, no independent witness was joined. The petitioner is having 08 acres of land and has filed 'J' Form showing that he had sold wheat for a sum of Rs. 3,18,500/- and the weapon recovered from the house of the petitioner is the licensed weapon of his brother-in-law Gurvel Singh as mentioned in Para No. 5 of the petition.

Notice of motion.

On the asking of the Court, Ms. Manjot Kaur, AAG, Punjab, accepts, notice on behalf of respondent-State and seeks time to file status report.

Adjourned to 07.11.2024.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing



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*such facts to the Court or to any police officer;
(iii) that the petitioner shall not leave the country without
prior permission of the Court concerned.*

*Status report be filed on or before the next date of
hearing with an advance copy to the counsel opposite”.*

7. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, petitioner has joined investigation and his custodial interrogation is not required.

8. In view of the above, there is no justification to deny the concession of pre-arrest bail to the petitioner. Consequently, present petition is allowed; interim order dated 04.07.2024 is made absolute subject to the conditions as envisaged under Section 438(2) of ‘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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

11. It is also clarified that in case of any recurrence on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

(MAHABIR SINGH SINDHU)
JUDGE

31.01.2025
D.Bansal

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