

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

**CRM-M No.30807 of 2018 (O&M)
Decided on: 13.09.2018**

Roshan Lal @ Kala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rajesh K. Dadwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
FIR No.47 dated 27.03.2017 registered under Sections
15/18/21/22/61/85 of the Narcotic Drug and Psychotropic Substances
Act, 1985, at Police Station Garhshankar, District Hoshiarpur.

The operative part of the order dated 31.07.2018, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“....Counsel for the petitioner has submitted that
the concession of interim anticipatory bail to the co-
accused of the petitioner namely Balvir Singh @ Bira has
already been granted by this Court vide order dated
14.06.2018 passed in CRM-M No.25961 of 2018, by
passing the following order:-*

*“Counsel for the petitioner has submitted that the
FIR was registered on the basis of some secret information
against 09 persons and subsequent thereto, no recovery*

was effected from the petitioner or any other co-accused. It is further submitted that the Additional Sessions Judge vide order dated 17.04.2017 had granted interim anticipatory bail to the petitioner subject to joining the investigation and appearance before the Investigating Officer, however, the petitioner could not appear before the Investigating Officer on account of some communication gap between him and his counsel and the Additional Sessions Judge vide order dated 06.06.2017 had dismissed the application.

Counsel for the petitioner has further submitted that, at the first instance, all the accused persons were granted anticipatory bail and the petitioner is ready to appear before the Investigating Officer and join the investigation.

Notice of motion for 13.09.2018.

In the meantime, the petitioner is directed to appear before the Investigating Officer on 28.06.2018 at 10:00 am or on any other date or time fixed by him to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.”*

Counsel for the petitioner has further submitted that 06 other co-accused of the petitioner have already been granted the concession of anticipatory bail by the Additional Sessions Judge and in pursuance to the FIR, no recovery was effected.

Counsel for the State, on instructions from ASI Gurmail Singh, has submitted that the petitioner is involved in other cases and seeks some time to file affidavit, in this regard.

List again on 13.09.2018....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 31.07.2018, the petitioner has already appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Surjit Kumar, has not disputed the aforesaid fact and submits that the petitioner is involved in some other cases, in which he is on bail.

In view of the above and considering the fact that it is case of no recovery, this petition is allowed and the interim bail granted to the petitioner vide order dated 31.07.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.09.2018
yakub

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