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

**CRM-M-50150-2017
Date of Decision: 21.02.2018**

Rup Chand

..... Petitioner

Versus

Union of India and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mansur Ali, Advocate and
Mr. H.S. Deol, Advocate,
for the petitioner.

None for respondent No.1-UOI.

Mr. D.D. Sharma, Advocate,
for respondent No.2-NCB, Chandigarh.

SUDIP AHLUWALIA J. (ORAL)

Perused the Case Diary of Narcotics Control Bureau, Chandigarh in Crime Case No.75/2017 dated 16.11.2017. The material available in the file which as yet is at the inquiry stage is prejudicial, and need not be revealed at this stage.

[2]. Suffice it to say, it would not be appropriate to speculate whether or not the petitioner could have been granted anticipatory bail on the basis of such material even if regular FIR/criminal case had been started against him.

[3]. At this stage, Ld. Counsel for the petitioner again prays for passing a direction upon the Narcotics Control Bureau to the effect that in the event they intend to retain him during the inquiry proceedings, then sufficient time ought to be granted to him in order to enable him to avail of

his legal remedies.

[4]. In the detailed order passed on the last date, this Court had already distinguished the case of “Union of India Vs. Padam Narain Aggarwal”, 2008(4), R.C.R. (Criminal) 665, and observed that while admittedly no blanket order could be passed by a High Court in granting protection in respect of any non-bailable offence, yet the protection granted to the present petitioner earlier on 08.01.2018 was only for the period of pendency of the present petition.

[5]. Consequently, once the petition is disposed off, granting any further protection to the petitioner would not be in accordance with the decision in “Union of India Vs. Padam Narain Aggarwal (supra)”.

[6]. The Court is, therefore, unable to grant any such protection to the petitioner. Faced with this, Ld. Counsel for the petitioner seeks to withdraw the present petition with liberty to file afresh one in accordance with law.

[7]. Application, accordingly, stands disposed off as withdrawn.

21.02.2018

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No