

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40179-2017

Date of decision: 22.02.2019

Kala Singh

... Petitioner

Vs.

Narcotics Control Bureau, Amritsar

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. D.D. Sharma, Advocate
for the respondent-Bureau.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in criminal case bearing NCB Crime No.10/2017 dated 11.02.2017 under Sections 8, 18, 21, 23, 29, 60 & 61 of NDPS Act, titled as NCB Vs. Karnail Singh and another.

On 19.12.2018, following order was passed by this Court: -

“This petition is pending since 2017 and despite having been granted number of opportunities, affidavit of the Investigating Officer has not been filed.

Vide order dated 01.08.2018, the arrest of the petitioner was stayed subject to the conditions that he will join the investigation and comply with the provisions of Section 438 (2) Cr.P.C.

Thereafter, again even on two dates, time was sought by learned counsel for the respondent for filing the affidavit of the Investigating Officer, however, the same has not been filed so far. Today also, learned counsel for the respondent seeks some time to

file the said affidavit.

Learned counsel for the petitioner has referred to order dated 01.11.2018, passed by the Judge, Special Court, Ferozepur, vide which, non-bailable warrants have been issued against the petitioner after report under Section 173 Cr.P.C. was presented.

On request of learned counsel for the respondent, adjourned to 22.02.2019.

In the meantime, the petitioner is directed to appear before the trial Court and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds.”

Learned counsel for the petitioner submits that the petitioner has already appeared before the trial Court on 03.01.2019 and has furnished bail/surety bonds and thereafter, the case was adjourned for consideration on charge. It is further submitted that the charges have been framed and two prosecution witnesses have already been examined.

The aforesaid factual position is not disputed by learned counsel for the respondent-Bureau.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide orders dated 01.08.2018 and 19.12.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**[ARVIND SINGH SANGWAN]
JUDGE**

22.02.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No