

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14336-2020 (O&M)

Date of decision : 02.07.2020

Assistant Director, Directorate of Enforcement

.... Petitioner

Versus

Chunni Lal Gaba

... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE AJAY TEWARI**

Present : Mr. S.P. Jain, Senior Advocate, with
Mr. Arvind Moudgil, Mr. Dheeraj Jain and
Mr. Kritin Sharma, Advocates,
for the petitioner.

RAJIV SHARMA, J.

1. The case has been taken up for hearing through video conferencing.
2. The petitioner Department has challenged the orders dated 28.03.2020 (Annexure P-1) and 08.05.2020 (Annexure P-3), passed by the learned trial court. However, the subsequent orders dated 20.06.2020 and 01.07.2020 have not been challenged.
3. The respondent was enlarged on interim bail by the learned trial court vide order dated 28.03.2020 (Annexure P-1). The petitioner Department filed an application dated 17.04.2020 (Annexure P-2) for cancellation of interim bail/re-calling the said order dated 28.03.2020.

Thereafter, fresh order dated 08.05.2020 (Annexure P-3) was passed by the learned trial court, whereby the interim bail granted to the respondent was extended till 20.06.2020.

4. Mr. S.P. Jain, learned Senior Advocate, appearing on behalf of the petitioner Department submits that subsequently, vide order dated 20.06.2020, learned trial court extended the interim bail till 01.07.2020. Thereafter, another order was passed by the trial court on 01.07.2020, whereby interim bail of the respondent was further extended till 03.07.2020. According to the learned counsel for the petitioner, the petitioner Department was not heard at the time of granting interim bail to the respondent at the initial stage and thereafter.

5. The charge sheets have been issued against the respondent under the Narcotic Drugs & Psychotropic Substances Act, 1985 in the Courts at Patiala and Fatehgarh Sahib, and he has evaded his arrest for about five years, as per the averments made in the petition. The matter is now listed before the learned trial court on 03.07.2020.

6. We direct the learned trial court to afford full opportunity to the learned counsel appearing on behalf of the petitioner Department to oppose the extension of interim bail, taking into consideration the gravity of the offence. We also make it clear that while hearing the matter, learned trial court shall take into consideration the clarificatory order dated 13.04.2020 (Annexure P-5) passed by the Hon'ble Supreme Court as well as Section 45 of the Prevention of Money Laundering Act, 2002. We also make it clear that bail in cases involving heinous crimes, like the offences under the Narcotic Drugs & Psychotropic Substances Act, 1985, the Protection of

Children from Sexual Offences Act, 2012 and the Prevention of Money Laundering Act, 2002, may not be granted as a matter of right.

Petition stands disposed of.

(**RAJIV SHARMA**)
JUDGE

(**AJAY TEWARI**)
JUDGE

July 02, 2020
ndj

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