

210-3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:130834
CRM-M-41873-2023
Date of Decision: October 09, 2023

Binder and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raman Kumar, Advocate for
Mr. Rajiv K. Kapila, Advocate for the petitioners.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 24.08.2023, following order was passed by this Court:-

“The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.0209, dated 15.11.2022, Police Station Garhshankar, District Hoshiarpur, under Sections 15, 18, 21, 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985. The FIR was lodged by the police pursuant to receipt of secret information to the effect that the petitioners as well as other 115 persons, who all are named (total 120 persons) in the FIR, indulged in drug trafficking and were selling heroin, poppy husk, smack, intoxicant tablets etc. since long in the surrounding area, which adversely affected the society.

Learned counsel for the petitioners submitted that a false FIR has been lodged by the police on the basis of alleged secret information, wherein as many as 120 persons have been named, solely on the basis of secret information in order to harass the petitioners and others. It has further been submitted that no recovery whatsoever was ever effected from the petitioners or were found involved in any offence.

Notice of motion for 01.09.2023.

To be heard along with CRM-M-55820 of 2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer.

However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Today, on instructions from Inspector Kuldeep Singh, statement is made by learned State counsel that though petitioner No.2-Akash Sohal has joined the investigation, but not petitioner No.1-Binder.

In view of the aforesaid statement, present petition qua petitioner No.1 is dismissed; whereas order dated 24.08.2023, whereby the petitioners were granted interim anticipatory bail, is hereby made absolute qua petitioner No.2. However, he shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

October 09, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No