

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.52054 of 2023(O&M)  
Date of Decision: 12.12.2023

RAJ JIT SINGH HUNDAL

.....Petitioner

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*  
*HON'BLE MS. JUSTICE LAPITA BANERJI*

Present: Ms. Shubreet Kaur, Advocate  
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl., A.G., Punjab.

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**G.S.SANDHAWALIA, J.(Oral)**

[1]. Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.138 dated 16.05.2023 under Sections 7, 13 of the Prevention of Corruption Act, 1988 as amended vide P.C. (Amendment) Act, 2018 as well as under Section 59 of the Narcotics Drugs

and Psychotropic Substances Act, 1985 at Police Station Special Task Force, STF Wing, Mohali.

[2]. On 18.10.2023, the following order was passed:-

*“Petitioner seeks anticipatory bail in FIR No.138 dated 16.05.2023 at Police Station Special Task Force, STF Wing, Mohali registered under Sections 7, 13 of the Prevention of Corruption Act, 1988 as amended vide P.C. (Amendment) Act, 2018 (for short, the ‘2018 Act’) as well as under Section 59 of the Narcotics Drugs & Psychotropic Substances Act, 1985 (for short, the ‘NDPS Act’).*

*We had declined the benefit of anticipatory bail on 03.08.2023 in FIR No.1 dated 12.07.2012 registered under Sections 21, 22, 59(2)(b) of the NDPS Act and Sections 218, 466, 471, 120-B IPC, PS STF, SAS Nagar, by noting that the petitioner was a senior police official and was holding the rank of Assistant Inspector General of Police and had been dismissed from service under Article 311(2)(b) of the Constitution of India read with Rule 13(ii) of the Punjab Civil Services (Punishment & Appeal) Rules, 1970. The dismissal was on account of the fact that his complicity with the drug traders had been established by the SIT set up by this Court. It has been brought to our notice that the said order was subject matter of challenge in Special Leave to Appeal (Crl.) No.9993 of 2023 and an interim order dated 06.10.2023 has been passed in his favour. The said order reads as under:*

*“1. Issue notice, returnable within four weeks.*

*2. Dasti, in addition, is permitted.*

*3. In addition to the usual mode, liberty is granted to the petitioner to serve notice through the Standing Counsel for the respondent/State.*

*4. By way of ad interim order, in the event of arrest, the petitioner is directed to be released on bail in connection with FIR No.1 dated 12.06.2017 registered with P.S. STF, SAS Nagar, subject to him executing personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or more sureties in the like amount, on the condition that petitioner shall report daily to the Investigating Officer between 10.00 AM to 01.00 P.M. and cooperate with the investigation.”*

*It has also been brought to our notice that on account of FIR No.15 dated 20.04.2023 registered under Sections 13(1) read with Section 13(1)(2) of the 2018 Act which was also mentioned in our order, the*

*petitioner has got the benefit of interim protection by filing CRM-M-51453-2023 on 10.10.2023.*

*Mr.Dhuriwala submits that the matter has now been reserved on 16.10.2023 by the Learned Single Judge of this Court and the interim order continues in the said case.*

*It has also been brought to our notice that the instructing officials, at the time when we passed the order dated 03.08.2023, did not bring to our notice FIR No.138 dated 16.05.2023 which had already been lodged by the police officials. It is in such circumstances, rightly submitted by counsel for petitioner that the conditions imposed by the Apex Court cannot be complied with regarding the joining of the investigation on account of the pendency of the present case.*

*We have to record our dissatisfaction in the manner the investigating agency has proceeded and has not been able to apprehend the petitioner since May, 2023. The petitioner has been taking legal redressal by filing petitions which are duly attested and he is apparently going to legal offices and getting affidavits attested but inspite of that, there is failure of intelligence on the part of the respondent-State who is not been able to apprehend him and we can only record our dismay.*

*Mr.Dhuriwala has vehemently opposed the grant of interim bail but keeping in view the failure to arrest the petitioner for the last 5 months, we do not see any reason not to grant the interim protection in view of the order already passed by the Apex Court.*

*Accordingly, keeping in view the above facts, we grant interim protection to the petitioner, till the next date of hearing, i.e., 12.12.2023 and direct him to report to the Investigating Officer from 3 P.M. to 5 P.M. daily, keeping in view the stringent conditions already imposed by the Apex Court and direct him not to approach any witnesses.”*

[3]. The Hon'ble Apex Court vide order dated 28.11.2023 dismissed Special Leave to Appeal (Crl.) No(s).9993 of 2023, Special Leave to Appeal (Crl.) No.10002 of 2023 and Special Leave to Appeal (Crl.) No.14823 of 2023.

[4]. In view of above, learned counsel for the petitioner does not press this petition.

[5]. Keeping in view the above, we permit withdrawal of the

anticipatory bail. Interim protection stands duly vacated accordingly.

(G.S. SANDHAWALIA)  
JUDGE

(LAPITA BANERJI)  
JUDGE

12.12.2023  
Prince  
Whether speaking/reasoned    Yes/No  
Whether reportable                Yes/No