

205

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

CRM-M-60495-2022 (O&M)

Date of Decision: 13.01.2023

ASHNI KUMAR ALIAS SUNNY

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.301 dated 26.11.2022 registered under Sections 15, 18, 21, 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tanda, District Hoshiarpur.

On 23.12.2022, the following order was passed by the Co-ordinate Bench of this Court :-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.301, dated 26.11.2022, Police Station Tanda, District Hoshiarpur, under Sections 15-18-21-22 of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the allegations levelled in the FIR, the police received secret information to the effect that the following 27 persons are drug peddlers and have been making available drugs to the younger generation leading to their addiction:

1. Rani wife of Meshi
2. Rano wife of Raja
3. Sunny son of Jogender
4. Sunny son of Raja
5. Sunny son of Magat Ram
6. Seeto wife of Sarabjit
7. Siro wife of Sheki
8. Nikki wife of Lal
9. Sunny son of Ashok Kumar
10. Prince Kumar @ Rinku son of Satpal @ Kala
11. Saddi wife of Sunny
12. Veeru son of Chanan Ram
13. Kajal wife of Veeru
14. Parveen Kumar @ Peena
15. Prince
16. Tarsem Lal
17. Raji @ Motto
18. Sunny son of Tarsem Lal
19. Suraj son of Tarsem Lal
20. Danny son of Sucha Singh
21. Rani wife of Sucha
22. Raja son of Sucha
23. Mandeep son of Ramlobaya
24. Usha @ Chuhi
25. Bibo wife of Darshan Lal
26. Laddi @ Pawan Kumar
27. Roshan @ Romi son of Jagat Ram

While the aforesaid FIR was lodged on 26.11.2022, wherein the petitioner is specifically named therein as Sunny son of Raja, another FIR came to be lodged on 28.11.2022 i.e. FIR No.0302, dated 28.11.2022, Police Station Tanda, District Hoshiarpur, under Section 304 of Indian Penal Code and Sections 29 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Annexure P-2), which pertains to death of one Harjit Singh on account of over-dose of drugs, wherein it is alleged that said Harjit Singh had been purchasing the drugs

from Saddi (daughter-in-law of Pushpa), Rani wife of Sunny, Rano wife of Raja, Sunny (petitioner) son of Raja and Sunny son of Magat Ram.

Learned counsel for the petitioner submitted that although the petitioner is also named in the second FIR i.e. FIR No.0302, dated 28.11.2022, wherein also general allegations have been levelled against as many as 5 persons but apparently he has been falsely implicated in the said case. Learned counsel submitted that the petitioner has already been granted interim bail in the second FIR pertaining to death of Harjit Singh vide order dated 19.12.2022 passed in CRM-M-59410-2022.

Notice of motion for 13.1.2023.

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

To be heard alongwith CRM-M-59410-2022.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gurwinder Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the ad-interim order dated 23.12.2022 by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of

the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

13.01.2023
Amandeep

(HARSH BUNGER)
JUDGE

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