

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

CRA No.D-809-DB of 2015

Date of Decision: 30.06.2015

Swami Aseemanand

..... Appellant

Versus

National Investigation Agency

..... Respondent

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.R.S. Bains, Advocate,
for the appellant.

Mr. S.S.Sandhu, Special Public Prosecutor,
for the respondent-NIA.

S.S. SARON, J.

Heard learned counsel for the parties.

The appeal has been filed by the appellant Swami Aseemanand praying for setting aside the order dated 04.05.2015 passed by the learned Special Judge under National Investigation Agency Act 2008 ('Act' for short') whereby the prayer of the appellant for interim bail/permission for meeting his 85 years' old mother has been declined.

It is submitted that the appellant is confined in Central Jail, Ambala in NIA case No.09 dated 29.07.2010 registered at Police Station NIA, New Delhi for the offences under Sections

120-B read with Sections 302, 307, 324, 326, 124-A, 438 and 440 of Indian Penal Code, besides Sections 150, 151 and 152 of the Railways Act, 1989, Sections 3, 4 and 6 of the Explosive Substance Act, 1908, as also Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 13, 15, 17, 18, 19 and 23 of the Unlawful Activities (Prevention) Act, 1967. This Court vide order dated 28.08.2014 passed in CRA-D-539-2014 has granted regular bail to the appellant. It is submitted that the appellant has not been able to furnish necessary bail bonds and surety, besides he is wanted in other cases registered in other States under the Act. Therefore, even though bail has been granted to the appellant on 28.08.2014, he is unable to come out from jail.

In the appeal that has been filed, the limited prayer of the appellant during hearing of the appeal is that he may be taken in custody to village Kamarpukar, Tehsil Rambag, District Hoogly, West Bengal for a period of 10 days for meeting his ailing 80 years' old mother namely Smt. Parmilla.

Mr. S.S.Sandhu, Learned Special Public Prosecutor submits that insofar as the respondent-NIA is concerned, the appellant has been granted regular bail. The order of grant of regular bail has not so far been assailed.

After giving our thoughtful consideration to the matter, it may be noticed that the appellant has been granted regular bail in this case, however, he is unable to come out from the jail as the applicant-appellant it is alleged is not in a position

to furnish necessary bail bonds and surety; besides, he is wanted in other cases. Therefore, in the facts and circumstances, it would be just and expedient that the NIA with the help of Director General of Police, Haryana and Jail Authorities shall take the appellant in custody to village Kamarpukar, Tehsil Rambag, District Hoogly, West Bengal for a period of ten days including journey period so as to enable him to meet his mother.

The Director General of Police, Haryana shall depute responsible senior officers for the travelling to and fro of the appellant.

Accordingly, the appeal is allowed and the impugned order dated 04.05.2015 passed by the learned Special Judge, Panchkula is set aside.

**(S.S. SARON)
JUDGE**

30.06.2015
'yogesh'

**(RAMENDRA JAIN)
JUDGE**