

CRM-M-14292-2020(O&M)
Date of decision: 09.07.2020

VICTOR ADMAY DAVID

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohit Nehra, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

VIVEK PURI,J. (ORAL)

Reply by way of affidavit of Davinder Kumar PPS, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar on behalf of the respondent has been filed, which is taken on record.

In FIR bearing No.81 dated 5.03.2019 under Sections 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Phillaur, District Jalandhar, the petitioner is seeking interim bail on the score that his marriage is to be solemnized on 20.06.2020.

It may be recapitulated that at the earlier instance that the petitioner had moved a petition for interim bail bearing CRM-M-7096-2020 on the score that his marriage is to be solemnized in a Church in New Delhi on 07.03.2020 and on verification, it had revealed that no marriage has been scheduled in the Church for 07.3.2020, as earlier alleged by the petitioner. Consequently, the said petition was dismissed as withdrawn vide order datd 05.03.2020.

In the present petition, it has been mentioned that the date

of marriage was fixed as 20.06.2020. Subsequently, it was pointed out that the said date has passed, the marriage has been rescheduled for 11.07.2020 and, a banquet hall has been booked. It has been reported that the said venue has been booked for 25 persons.

On a query to the learned counsel for the petitioner as to whether the marriage is to be solemnized in a Church or in the banquet hall, the learned counsel for the petitioner has expressed his ignorance about the same.

It may be mentioned here that the petition is silent with regard to the particulars of the Church wherein marriage is to be solemnized. In such circumstances, it has to be construed the marriage, if any, is to be solemnized in the banquet hall as no particulars of any Church have been put forth.

Learned State counsel in all her fairness has given an offer that the marriage can be solemnized in the jail premises where the petitioner is confined instead of banquet hall in New Delhi. However, the learned counsel for the respondent is not agreeable to such an arrangement.

Learned State counsel has pointed out that the interim bail has been sought on the false pretext of marriage as a clever ploy to flee from justice. The petitioner had unsuccessfully made an attempt to seek interim bail at the earlier instance on the false pretext of marriage and on verification, the assertion of the marriage was found to be false one.

In the instant case, the recovery to the tune of 2.5 Kg of heroine has been effected from the petitioner. Further, it has been pointed out by the learned State counsel that the petitioner is also involved in another case bearing FIR bearing No.161 dated 28.07.2019 registered at Sultanpur Lodhi wherein 1 kg of heroine has been effected.

The petitioner is a citizen of Nigeria and the repeated efforts for

fact that possibility of the petitioner fleeing from justice cannot be ruled out in the event interim bail is granted to him. Moreover, in the peculiar circumstances of the case, the assertion of the petitioner with respect to his marriage is also not free from doubt. Besides, the allegations are with respect to recovery of huge quantity of heroine from the petitioner.

In view of the above, the present petition is dismissed.

09.07.2020
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(VIVEK PURI)
JUDGE

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