

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

105

**CRM-M-23888-2020
Date of decision : 17.09.2020**

Joga Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim bail for a period of two months in case FIR No.37 dated 09.06.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Aur, District SBS Nagar, on the ground that marriage of his daughter is scheduled for 21.10.2020.

Reply by way of affidavit of Sh. Harneel Singh, PPS, Deputy Superintendent of Police, Sub Division, Nawanshahar on behalf of the respondent-State has been filed by learned State Counsel through email print out of which is taken on record.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that marriage of Kulwinder Kaur, daughter of the petitioner, is fixed for 21.10.2020 and presence of the petitioner is essential for performance of customary rites and ceremonies at the time of marriage of his daughter. Therefore, the petitioner may be granted interim bail.

On the other hand learned State Counsel has argued that the petitioner is habitual offender and was involved in three cases registered under the NDPS Act and three cases registered under the Punjab Excise Act, 1914. Under the garb of excuse of marriage of his daughter, the petitioner is trying to evade his prosecution by seeking interim bail and if interim bail is granted, the petitioner will abscond and will not surrender before the jail authorities. The petitioner does not deserve grant of interim bail. Therefore, the petition may be dismissed.

Even though in the reply filed on behalf of the State there is evasive denial for want of knowledge but at the time of hearing it is not denied that marriage of daughter of the petitioner is scheduled for 21.10.2020. Presence of the petitioner at the time of marriage of his daughter will be essential for performance of the customary rites and ceremonies. It may be observed here that Section 3(1)(b) read with Section 3(2)(b) and Section 5-A(b) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 permits temporary release of even a hardcore prisoner, convicted and sentenced for conscious possession of commercial quantity of contraband, on parole for six weeks on the ground of celebration of marriage of his son or daughter.

In view of the above-referred legal perspective and facts and circumstances of the case, I am inclined to extend the concession of

interim bail to the petitioner for the said purpose.

In view of the above, the petition is allowed and the petitioner is ordered to be released on interim bail from 21.09.2020 (12 noon) to 26.10.2020 (12 noon) on furnishing of personal and surety bonds in heavy amount by him to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petitioner shall surrender before Superintendent, Central Jail, concerned on 26.10.2020 at or before 12:00 noon.

17.09.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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