

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

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**CRM-M-25977-2020
Date of decision: 24.09.2020**

Sukhwinder Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. P.S. Walia, Asstt. A.G., 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 present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of one month's interim bail in case FIR No.191 dated 27.11.2014 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Shimlapuri, District Ludhiana on the ground of medical treatment of his mother.

As per the prosecution allegations, the police party headed by ASI Mohan Singh apprehended the petitioner on suspicion and on search recovered intoxicant powder weighing 150 grams from the polythene carried by the petitioner in his right hand without any permit or licence.

The present petition has been filed on the averments that

the mother of the petitioner is suffering from hypertension and is a patient of diabetes for more than 10 years for which she is already under medication. At present mother of the petitioner is suffering from hiatus hernia for which she was taking medical treatment but now her condition has worsened and she requires surgical treatment as early as possible. The father of the petitioner had already died and there is no male member in the family to look after his mother except the petitioner.

The petition has been opposed by the respondent State in terms of reply filed by way of affidavit of Sandeep Wadehra, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana through e-mail print out of which is taken on record. In the reply, while mentioning detailed facts regarding recovery of commercial quantity of the contraband from the petitioner, it has been admitted that the mother of the petitioner is suffering from Hiatus Hernia and requires surgical treatment.

Learned State counsel has also filed custody certificate of the petitioner through e-mail print out of which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has, while reiterating the factual averments made in the petition, submitted that the petitioner, who is not involved in any other case under the NDPS Act, may be granted one month's interim bail for medical treatment of his mother.

On the other hand, while admitting the facts as to medical ailments of the mother of the petitioner and also his non-involvement in

any other case under the NDPS Act, learned State counsel has submitted that the petitioner is accused of having kept commercial quantity of contraband in his possession without any permit or licence and does not deserve the grant of interim bail.

Admittedly, the mother of the petitioner is a patient of hiatus hernia and requires surgical treatment. The father of the petitioner had already died and there is no male member in the family of the petitioner to look after his mother except the petitioner. Section 3 (aa) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 permits temporary release of a prisoner convicted and sentenced for possession of commercial quantity of narcotic drug or psychotropic substance on the ground of serious illness of his mother. In view of the facts and circumstances of the case, I am of the considered view that the petitioner deserves grant of interim bail for fifteen days for looking after and making necessary arrangements for medical treatment of his mother.

Accordingly, the petition is allowed and the petitioner is ordered to be released on interim bail for a period of fifteen days from the date of his release on furnishing of personal bond with surety bond of one surety in heavy amount by him to the satisfaction of the the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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