

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

CRM-M-31826 of 2020 (O&M)
Decided on:- October 19, 2020.

Bittu Ram.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-26178-2020

Prayer in this application filed under Section 482 Cr.P.C. is for early listing of the main petition for grant of interim bail to the petitioner as the marriage of his younger sister is fixed for 23.10.2020.

Pursuant to the administrative orders dated 16.10.2020 passed by Hon'ble the Chief Justice, the Registry has listed the main petition for hearing today itself. Therefore, the present application is rendered infructuous as the main case, which was otherwise fixed for hearing on 26.10.2020 has been listed before this Court for today.

The application is, accordingly, dismissed as infructuous.

CRM-M-31826-2020

This petition has been filed by the petitioner under Section 439 read with Section 482 Cr.PC seeking interim bail in FIR No.72 dated 23.05.2020 under Sections 21, 22, 25, 29 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Mehal Kalan, District Barnala.

Though vide order dated 11.08.2020 passed in ***CRM-M-21164 of 2020*** titled as ***Bittu Ram Versus State of Punjab***, the petition for grant of regular bail has already been dismissed by this Court, however, the pleaded ground on which interim bail is being sought by way of present petition is that the marriage of younger sister of the petitioner is to be solemnised on 23.10.2020.

Learned counsel for the petitioner has submitted that though there is another case registered against the petitioner i.e. FIR No.43 dated 12.02.2019 under Sections 21, 29 and 61 of the NDPS Act at Police Station City Barnala, wherein the allegation of recovery of 200 intoxicant tablets have been levelled against the petitioner, but in that case, the petitioner has already been released on bail vide order dated 05.04.2019 passed by learned Judge, Special Court, Barnala.

He has further submitted that the petitioner is the only male member in the family as his father had died in the year 2015 and he has an aged widowed mother, who is otherwise completely dependent upon him. The petitioner being the only male member in the family is required to make all possible arrangements so as to solemnise the marriage of his real younger sister, which is fixed for 23.10.2020.

Learned State counsel has submitted that vide order dated 11.08.2020, this Court has already considered the prayer of the petitioner for grant of regular bail and did not find any favour with the plea of the petitioner. He has filed a copy of status report dated 18.10.2020 by way of affidavit of Dr. Pragya Jain, IPS, ASP, Incharge Sub Division Mehal Kalan, which is taken on record.

On instructions from SI Satnam Singh, learned State counsel has further submitted that a huge recovery of intoxicant tablets has been effected in the present case and out of 32 accused named in the case so far, 24 accused have already been arrested. Since a huge recovery has been effected in the case and the petitioner is one of the accused in the gang, he does not deserve to be admitted on interim bail even if the marriage of his younger sister is fixed for 23.10.2020.

I have heard learned counsel for the parties.

The status report submitted by way of affidavit of Dr. Pragya Jain, IPS, ASP, Incharge Sub Division Mehal Kalan has been perused. The status report is accompanied with the statement of Santosh Rani mother of the petitioner as well as the Members of Gram Panchayat of village Pakho Kalan and other respectable of the village. There is no denial of the fact that the petitioner is the only male member in the family and the marriage of his real younger sister is fixed for 23.10.2020.

No doubt, the petitioner is found involved in recovery of huge quantity of contraband, but noticing the fact that there are certain customary rites/rituals which can only be performed by a brother in the marriage of his real sister and the fact that the marriage of younger sister of the petitioner is

fixed for 23.10.2020, this Court deems it appropriate to grant interim bail to the petitioner for a period of one week from the date of his release.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on interim bail for a period of one week from the date of his release, subject to his furnishing bail bonds and heavy surety to the satisfaction of CJM/Duty Magistrate, Barnala. The petitioner shall surrender before the jail authority after availing one week interim bail.

It is made clear that during the period of interim bail, the petitioner shall not interact with any other co-accused, witnesses or any other person related in the case and shall not influence the witnesses in any manner.

October 19, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No