

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

128

**CRM-M-32888-2020
Date of decision : 09.11.2020**

Ith Ram @ Sonu

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vishwajit Bedi, Advocate
for the petitioner.

Mr. Rana Harjasdeep, DAG, 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 short 'the Cr.P.C.') for grant of **interim bail** in case FIR No.43 dated 10.06.2019 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') in Police Station Valtoha, District Tarn Taran on the grounds of serious illness of his mother.

The application has been opposed by the State. However, no written reply to the application has been filed on behalf of the State.

Custody certificate has been filed by learned State Counsel through e-mail print out of which is taken on record.

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

Learned Counsel for the petitioner has submitted that mother of the petitioner, aged about 58 years, is suffering from multiple health problems including hypertension, diabetes, mellitis C, Coronary and heart disease. There is no male member in the family of the petitioner to look after her mother. In view of serious illness of his mother, the petitioner may be granted interim bail.

Learned State Counsel has vehemently opposed the application and submitted that the petitioner, who is accused of having kept commercial quantity of contraband in his possession, does not deserve grant of interim bail.

In the present case the mother of the applicant/petitioner is suffering from serious ailments. There is no other male member in the family to look after the mother of the petitioner. Presence of the applicant/petitioner is necessary for making arrangements for proper medical treatment of his mother. It may be observed here that even after conviction and sentence of an accused for conscious possession of commercial quantity of contraband, Section 3(1)(aa) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 permits temporary release of a prisoner on parole on the ground of serious illness of husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grandson or grand-daughter or father-in-law or mother-in-law of the prisoner. In *Kulwant Singh VS. State of Punjab (PHHC): 1987(2) CurLJ (CCR) 438* parole was allowed on the ground of serious illness of mother. In view of these facts and circumstances of the case, I am inclined to extend the concession of interim bail to the petitioner for the said purposes.

In view of the above, the petition is allowed and the petitioner is ordered to be released on interim bail for 15 days on furnishing of personal and surety bonds by him to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.11.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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