

Rahul @ Dana Versus State of Punjab

Present : Mr. Amardeep Singh, Advocate  
for the petitioner.

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

The petitioner has filed the present application under Section 439 of the Code of Criminal Procedure, 1973 for grant of interim regular bail in case FIR No. 228 dated 06.10.2015 registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Jandiala Guru, District Amritsar, Punjab.

Briefly stated, the application for interim regular bail is filed on the averments that brother of the petitioner died due to some accident. The petitioner was not given permission for his cremation which was performed by neighbors and friends. Parents of the petitioner have already died. There is no other male member in the family. Last rites and ceremonies are yet to be performed and his ashes are also lying in the locker in the funeral ground.

Notice of motion.

Pursuant to supply of advance copy, Mr. Sararbjit Singh, Asstt. A.G. Punjab has appeared and accepted notice on behalf of respondent-State.

Learned counsel for the petitioner has while reiterating the factual averments prayed for grant of interim bail to the petitioner for a period of 10 days.

On the other hand, learned State Counsel has, while conceding the facts to be correct as per the verification made by the

concerned police officials, submitted that in view of nature of accusation and gravity of offence, no ground for grant of interim bail to the petitioner is made out. Therefore, the application may be dismissed.

Keeping in view the fact that brother of the petitioner died and his last rites are to be performed and there is no other male member in the family to perform the last rites and on analogy with provisions of Section 3(a) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 which permit release of a person convicted and sentenced for possession of commercial quantity of narcotic drug/psychotropic substance on parole on such ground, I am of the considered view that the application deserves to be allowed.

Accordingly, the application is allowed and the petitioner is ordered to be released on interim regular bail for a period of 10 (Ten) days from the date of his release on furnishing of bail bonds by him to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**23.12.2020**

Vishal

**(ARUN KUMAR TYAGI)  
JUDGE**