

CRM-M No.14194 of 2021

Date of Decision : 01.04.2021

Sumit

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia**Present :** Mr. Amit Kumar Jain, Advocate for the petitioner.
Mr. Vivek Chauhan, Addl. A.G, Haryana.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 439 Cr.P.C. is for grant of interim bail to the petitioner in case FIR No.481, dated 23.12.2020 registered under Section 22-B of NDPS Act at Police Station Civil Lines, Jind, District Jind.

2. Learned counsel contends that the aforementioned case was registered on the petitioner being apprehended along with 100 vials of Pentezocine Lactate Injection IP of 1 ML each, total quantity 100 ML.

3. Learned counsel contended that application for interim bail was moved before the learned trial Court for the period 30.03.2021 to 04.04.2021 on account of marriage of the petitioner's younger brother Amit, as the parents of the petitioner namely Smt. Sunita and Shri Narender Singh were not alive having died on 27.04.2004 and 30.08.2020 respectively. Marriage of the petitioner's younger brother Amit is to be solemnized on 02.04.2021. Copy of the card of marriage, as well as report of Sarpanch of Gram Panchayat, Kinana is attached along

grant of interim bail was dismissed by the learned Addl. Sessions Judge, Jind on 23.03.2021 on account of the allegations against the petitioner being serious and there being *Tau* and other family members to look after the arrangements of the marriage of the petitioner's younger brother.

4. Learned counsel contends that apart from the instant case, there is no other case against the petitioner, besides quantity of contraband recovered is more than small quantity but less than commercial quantity.

5. Prayer is for interim bail for a few days only to attend and participate in the marriage ceremony of the petitioner's younger brother.

6. Reply has been filed. However, the same is not on record. Learned State Counsel undertakes to place copy of the same on record. He has however produced photocopy of the same and in paragraph No.7 of the reply, the factum of marriage of the petitioner's brother Amit has been duly verified but it has also been mentioned that there are other relatives of the petitioner i.e. *Tau* namely Surinder Malik and other family members available to look after the arrangements of marriage, while in paragraph No.8 of the said reply, it has been mentioned that possibility of violation of terms and conditions of the bail bonds cannot be ruled out and pending investigation of the case can also be hampered.

7. On specific query qua the possibility of violation of terms and conditions of bail bonds and hampering of investigation, learned State Counsel stated that the petitioner has made a disclosure statement, implicating one co-accused who is to be apprehended. However, apart from the above, no details of the possible anticipated violation of terms and conditions of the bail bonds have been spelt out. However, learned

more than small quantity but less than commercial quantity, besides, there is no other case under the NDPS Act registered against the petitioner.

8. Accordingly, by taking into account that the quantity of contraband recovered is more than small quantity but less than commercial quantity, there is no other case registered against the petitioner under the NDPS Act, 1985, prayer for interim bail is only for the purpose of attending the marriage of petitioner’s younger brother from 2nd to 4th April, parents of the petitioner are not alive, the application for interim bail is **allowed**. The petitioner is ordered to be released on interim bail w.e.f. 01.04.2021 till 04.04.2021, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, concerned. However, in order to ensure that the petitioner does not misuse the concession of bail by influencing witnesses or tampering with evidence, the Deputy Superintendent of Police, City Jind, District Jind is directed to depute police official(s) to prevent misuse of the concession of bail by the petitioner during the aforementioned period. The petitioner shall surrender before the jail authorities on 05.04.2021.

9. On request of learned counsel for the petitioner, copy of this order be given under the signatures of the Bench Secretary of this Court. A copy of this order be also given under the signatures of the Bench Secretary to learned State Counsel for information and necessary action.

(B.S. Walia)
Judge

April 01, 2021
'Rajneesh-Amit'

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