

MOHD. SALEEM SHAH NAKSHBANDI ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Swati Batra, Advocate for the petitioner.

Mr. V.G.Jauhar, Sr. D.A.G. Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner is confined in Central Jail, Patiala in the case bearing FIR No. 113 dated 11.9.2019 under Section 22 of NDPS Act, 1985 registered at P.S. Shambu, District Patiala. The petitioner is seeking interim bail on the ground of death of his father. It has been stated that 40th day ritual i.e. Chehllum Fateha is to be solemnized at the residence of the petitioner on 30.5.2021. The petitioner is stated to be the only son of his parents. Status report by way of affidavit of Jaswinder Singh, DSP, Circle Ghanour, District Patiala was furnished wherein it was mentioned that police has no objection if the petitioner is allowed to attend the post-death ceremony of his father in police custody subject to the expenses to be borne by the petitioner.

On 17.5.2021, learned counsel for the petitioner had stated that the petitioner has no objection if he is taken into custody to participate in the 40th day ritual with regard to his father and is willing to bear the necessary expenses likely to be incurred. Accordingly, learned State counsel had sought

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time to verify with regard to the expenses likely to be incurred in carrying the petitioner to Sri Nagar while in custody so that the same can be deposited. The learned State counsel has placed on record the report submitted by the Officer In-charge, Police Station Shambu, District Patiala which indicates that an amount of Rs.60,000/- is to be incurred, details wherein have been mentioned in the report.

Learned counsel for the petitioner has stated no objection in depositing the said amount.

The petitioner is the only son of his parents and his presence in the post-death ceremony of his father appears to be just and essential.

In these set of circumstances, the petition is disposed of with a direction to Senior Superintendent of Police, Patiala to make necessary arrangements to facilitate the presence of the petitioner at the time of Chehlum Fateha ceremony to be solemnized at the residence of the petitioner on 30.5.2021 at Sri Nagar while in custody under proper security and guard. The petitioner shall deposit the necessary expenses to the tune of Rs.60,000/- within a period of 5 days in the Accounts Branch of Senior Superintendent of Police, Patiala.

20.05.2021

Janki

**(VIVEK PURI)
JUDGE**

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