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

CRM-M-24764-2021

Date of Decision: 25.10.2021

Sonu Masih

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipul Jindal, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

This petition has been filed under Section 439 Cr.P.C, 1973 for grant of interim regular bail to the petitioner for a period of 4 weeks on medical grounds in case FIR No. 23 dated 09.04.2019, under Sections 21, 25 and 29 NDPS Act, 1985 and Section 25 Arms Act, 1959, registered at Police Station Special Task Force, SAS Nagar, Mohali.

Learned counsel for the petitioner has argued that his wife, namely, Shelly has been advised surgery at the earliest, as she is having cyst lesion in relation to her left ovary and is undergoing treatment at Dukh Niwaran Hospital, Ajnala. Copy of the report of Scan Center and the opinion of the Doctor regarding the surgery is annexed as Annexures P-3 and P-4. In this regard, learned counsel has referred to the enquiry report (Annexure R-1/T) by the investigating officer annexed with the status report filed by way of affidavit of Sikandar Singh, PPS, Deputy Superintendent of Police, Special Task Force, Border Range, District Amritsar, and it reads as under:

“It is submitted that I, SI reached at Village Khanwal in order to verify the fact regarding the illness of Shally wife of Sonu Masih, resident of Khanwal. During the Course of enquiry, it has been found that Shally was performed

marriage to Sonu Masih since 8-9 years ago. They are having two male children, the one male child is aged about 8 years and second male child is aged about 4 years. After their marriage the father of the petitioner Rupa Masih evicted them. Thereafter, they started residing separately from their family and case FIR No.23 dated 19.04.2019, under Sections 21,25,29,61,85 NDPS Act and 25,54,59 Arms Act registered at Police Station STF Mohali, in which 1 kg 10 gram heroin as well as 32 bore country made pistol and car I-20 were recovered from the spot and in this regard, Sonu Masih is confined in jail. It has been verified that the wife of the above said Sonu Mashih is having tumor in her ovary. She is undergoing treatment at Dukh Niwaran Hospital, Ajnala and the physician has advised surgery, but there is no one major person at her house who take care of her. She resides alone at her house. There is heavy recovery of heroin in the present case. If he released on interim bail then he may abscond and he can again commit crime.”

The prayer is opposed by the learned State counsel, assisted by SI Vinod Sharma, on the ground that the petitioner is involved in four more cases and there is possibility that he may flee.

After hearing learned counsel for the parties and considering the limited prayer made by the petitioner, this court finds that the prayer made by the petitioner is worth acceptance as the patient would require an attendant for personal care post surgery as there is no other adult person to provide required care and attention to the petitioner's wife.

Resultantly, the application is allowed and it is ordered that the applicant-petitioner be released on interim regular bail for a period of four weeks w.e.f. 26.10.2021 to 26.11.2021 subject to his furnishing the requisite bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned. The petitioner is directed to surrender himself before the concerned Jail Authorities on 26.11.2021 before 05.00 p.m.

25.10.2021

(MANOJ BAJAJ)
JUDGE

Jasmine Kaur