

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44372-2021

Date of decision : 22.10.2021

Malkeet Singh @ Kuldeep @ Baljeet

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Harpreet Singh Dandiwal, Advocate
for the petitioner.

Mr.Gurmeet Singh, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is the third petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR no.0282 dated 03.11.2019 registered under Section 22-C/61/85 of the NDPS Act (Section 27-A/61/85 NDPS Act added later) at Police Station Sadar Ratia, District Fatehabad, with a further prayer for interim relief / interim bail for the purpose of attending marriage of real brother of the petitioner.

Learned counsel for the petitioner, at the outset, has submitted that the petitioner would only be pressing for interim bail. The prayer for regular bail is, thus, withdrawn.

Learned counsel for the petitioner has submitted that the petitioner deserves concession of interim bail as the brother of the petitioner namely Surjit Singh is getting married to Mamta Rani at village Reond

on two days, i.e. 24.10.2021 and 25.10.2021. On 25.10.2021 the wedding is to take place and for the said purpose, the time for departure of *barat* has been kept at 9.00 AM. The venue for the same is Sarari Niwas, Village Reond Kalan (Mansa). The said facts are apparent from the document Annexure P-3.

Learned counsel for the petitioner has further submitted that father of the petitioner and Surjit Singh had died on 21.02.2002 and for the said purpose, he has referred to the death certificate dated 05.03.2002.

Learned counsel for the petitioner has relied upon a judgment of co-ordinate Bench of this Court dated 28.11.2018 passed in ***CRM-M-50138-2018*** titled as “***Amit Doda vs. State of Punjab***”, in support of his arguments.

Notice of motion.

Learned State counsel, who has advance notice of the petition, has opposed the prayer for interim bail. It has been submitted that the present case pertains to a case of recovery of commercial quantity of contraband and the petitioner is the main accused. It has further been submitted that there are two other criminal cases against the petitioner under the NDPS Act. It is, thus, submitted that in case the petitioner is granted interim bail, there is every likelihood that the petitioner may abscond.

This Court has considered the arguments of learned counsel for the parties.

Surjit Singh is stated to be real brother of the petitioner. From the document Annexure P-3, it prima-facie appears that the marriage of Surjit Singh is to be performed on 25.10.2021 and the departure of *barat* is at 9.00 AM and the venue for the same is Sarari Niwas at village Reond

Kalan (Mansa). The father of the petitioner as well as Surjit Singh is no more living. In ***Amit Doda's*** case (supra) relied upon by learned counsel for the petitioner, the elder brother (cousin) was granted interim bail to attend the wedding of his cousin. However, keeping in view the fact that the petitioner is involved in a case of recovery of commercial quantity of contraband and the petitioner is the main accused in the present case and there are two other criminal cases under the NDPS Act against him, this Court deems it fit to allow interim bail to the petitioner only from 8.00 AM on 25.10.2021 to 5.30 PM on 25.10.2021. The petitioner would be taken in police custody from Central Jail, Hisar-I at 8.00 AM on 25.10.2021 to village Reond Kalan, Mansa and would attend the wedding ceremonies on 25.10.2021 from 8.30 AM to 5.00 PM in police custody and would be brought back in police custody to the Central Jail, Hisar-I by 5.30 PM. The petitioner is further directed to fully cooperate with the police while being taken to the venue and also being taken back from the venue.

Since the present petition has been taken up after a request for fixed today has been made by learned counsel for the petitioner and the marriage function is also stated by learned counsel for the petitioner to be held on 24th and 25th October, 2021, in view of the urgency of the matter, it would not be possible to verify the fact as to whether the marriage ceremony is actually taking place at the said place on 25.10.2021. Thus, the concerned Jail Officer, Central Jail, Hisar-I, is directed to verify the fact as to whether the marriage of the brother of the petitioner is to take place on 25.10.2021 at the Venue of Sarari Niwas at village Reond Kalan (Mansa) and in case it is found that the said marriage is to take place, then the benefit of order which has been passed, be given to the petitioner. However, in case it is found that

no such marriage ceremony is to take place, then the present petition would be deemed to have been dismissed.

Disposed of in the above terms.

Copy of this order be sent to the Central Jail Superintendent, Hisar-I, through e-mail.

(VIKAS BAHL)
JUDGE

October 22, 2021
Davinder Kumar

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