

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11183 of 2022
Date of Decision: 21.03.2022

Gurdial Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

THROUGH VIDEO CONFERENCING

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
287	24.09.2020	Ajnala, District Amritsar	22/25/59 of NDPS, Act, 1985

Criminal Case no. before trial Court	BA No.6068 of 2020 CNR No.PBAS-0101-3158-2020 Date of order 09.12.2020
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1. The petitioner under arrest for violating the provisions as mentioned above of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), per the FIR captioned above, has come up before this Court under Section 439 CrPC seeking interim bail on the following grounds:
- a) That it would be pertinent to mention over here that the petitioner. was the only bread earner of the family and after his arrest, it has become highly difficult for the family to arrange for the finances to perform marriage. Therefore, in the event of the interim release of the petitioner, the petitioner would be able to arrange funds and finances for performing the marriage of his sister.
- b) That furthermore, there are few ceremonies which actually requires the presence of the brother of the bride and it would be petitioner's solemn obligation towards his sister and family to be present during the entire course of this auspicious occasion and to conduct such ceremonies as and when required in order to fulfill the traditions and customs of the family.
2. In paragraph 14 of the petition, it is declared that the accused has a criminal history and he is on bail in that case.

3. Ld. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family.

4. On instructions from SI Rakesh Kumar, Ld. counsel appearing for the State does not dispute the factum of the grounds on which the petitioner is seeking interim bail.

REASONING:

5. A prisoner should not be ordinarily denied the opportunity of attending a significant family event merely because the immediate relatives, in addition to friends and the neighbors, have become accustomed to usually caring for the family members of a person under incarceration and the family is not depend on the prisoner. The prisoner himself not only longs for presence, cooperation, support, and even financial help of the family but is also expected by the near and dears in return for their support towards his family to reciprocate by attending their sacrosanct family functions, despite such attendance carrying the risk of social boycott or dejection.

6. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

7. Given above, provided the accused is not required in any other case, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

8. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

9. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any

other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

10. Immediately on reaching home/venue, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till surrender.

11. **It is clarified that in case the petitioner does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had afforded a limited period bail on but he did not mend ways.**

12. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

13. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

14. **The petitioner shall surrender in prison from where he was released, on or before 01.04.2022, by 4 p.m.**

15. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

21.03.2022
Sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No