

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14940 of 2022
Date of decision:18.04.2022

Balbir Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. H. S. Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
05	16.01.2022	Ghanaur	22 & 29 of NDPS Act

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 Cr.P.C. seeking interim bail on the following grounds:

Para 3:

“That it is pertinent to mention that the petitioner is head of the family of Kesar Singh and the petitioner is uncle of Sukhwinder Singh and the father of Sukhwinder Singh namely Kesar Singh son of Bhajan died on 18.05.1997, during his childhood. Even the real uncle of Sukhwinder Singh namely Labh Singh son of Bhajan Singh died on 08.05.1999. Thereafter the petitioner (Bua's son of Kesar Singh) unmarried and have no family, started residing with family of Kesar Singh and to look after and earned for the family of Kesar Singh and look after Sukhwinder Singh as his son and also worked as Head of the family.

Para 4:

“That the marriage of nephew of the petitioner namely Sukhwinder

Singh fixed, thereafter the petitioner implicated in the instant case and there is no male member is present except the petitioner to arrange and perform the marriage ceremonies. No other male is not in position to make arrangement of the marriage of his son (nephew) Sukhwinder Singh i.e. fixed from 23rd April, 2022 to 24th April, 2022. A true copy of invitation card is annexed herewith as Annexure P-3.”

2. In paragraph 14 of the bail application, the accused declares no criminal antecedents.
3. Ld. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family.
4. While opposing the interim bail, 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 interim bail upto 27.04.2022 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. 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.

12. 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.

13. **The petitioner shall surrender in prison from where he was released, on or before 28-04-2022, by 11 A.M. In case he fails to surrender, then it shall be considered as a willful act of disobedience.**

14. *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**

18.04.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No