

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-20694 of 2022

Date of Decision: 25.05.2022

Mohinder Singh @ Mahender Singh

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Anmol, Advocate for
Mr. K.S.Brar, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition is a second petition filed under Section 439 of the Cr.P.C. for grant of interim bail to the petitioner on the ground that the daughter of the petitioner who is six months old is to undergo eye surgery from All India Institute of Medical Sciences, New Delhi, in FIR No.41, dated 21.02.2021 under Section 15 of the NDPS Act, 1985, registered at Police Station Sadar Fazilka, District Fazilka.

Ms.Anmol, appearing on behalf of Mr. K.S.Brar, Advocate submitted that the petitioner had earlier also filed a regular bail application in this court which was dismissed on 04.03.2022 and this court had observed that so far as the arguments raised by the counsel for the petitioner with regard to the treatment of the son of the petitioner from the PGI, Chandigarh is concerned, there was no document on record to show that the son of the petitioner requires any medical attention.

She submitted that in fact the daughter of the petitioner who is of six months of age has severe eye ailment and she was recommended to PGI for treatment but PGI again recommended her for treatment and surgery at AIIMS, New Delhi and now the surgery of a small girl of six months who is the daughter of the petitioner is to be undertaken and AIIMS has given 6th and 7th July, 2022 as a date for conducting the surgery. The learned counsel further submitted that the allegation against the petitioner was with regard to 60 kgs of poppy husk and he is also involved in one another case pertaining to some intoxicant powder regarding which an appeal has been filed and sentence has been suspended. She also submitted that there is no other person to look after the small child except the mother of the petitioner who is 70 years old.

This Court on 17.05.2022 had directed the State to verify with regard to the aforesaid submissions made by the learned counsel for the petitioner as to whether the daughter of the petitioner is to undergo eye surgery or not and on what date the surgery if any is to be done.

Today Mr. Davinder Bir Singh, DAG, Punjab on instruction from ASI Darshan Singh stated that they have verified and it has been confirmed that the minor daughter aged six months of the petitioner is to undergo eye surgery from AIIMS, New Delhi on 6th and 7th July, 2022.

I have heard learned counsel for the parties.

The factum of proposed eye surgery of a six months old daughter of the petitioner is not in dispute. The petitioner is still under trial in the present case. Therefore, this court while taking a humanitarian approach deems fit and appropriate to grant interim bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on interim bail for a period of 08 weeks with effect from 10.06.2022 on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate. The time of release and surrender shall be fixed by the learned trial Court

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

25.05.2022
Sunil Devi

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |