

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

131

CRM-M-27236-2022 (O&M)

Date of decision: 22.06.2022

ASHOK KUMAR

....Petitioner(s)

Versus

UNION OF INDIA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Ms. R.K. Grewal, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for respondent No.2-NCB.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 Code of Criminal Procedure for grant of interim bail to the petitioner in case Crime No.37 dated 13.07.2020 under Sections 8/18(b)/25/29/60/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Narcotics Control Bureau, Chandigarh on account of demise of his brother on 13.06.2022.

Learned counsel for the petitioner contends that the younger brother of the petitioner unfortunately passed away on 13.06.2022 and that his *rasam pagri/bhog* is scheduled for 24.06.2022 and that the presence of the petitioner is required for performance of necessary rituals and ceremonies.

Notice of motion.

Mr. Rajiv Sharma, Advocate appears on behalf of respondent No.2. An advance copy of the petition has already been served upon the counsel. He contends that the petitioner is involved in NDPS case, wherein a recovery of 5.83 Kgs of opium was effected from the co-accused of the petitioner and that he is involved in the said trade. However, he does not dispute that the said aspect has to be considered as and when a petition for seeking regular bail is filed and that interim bail has to be

considered noticing the urgency in the grounds for which interim bail is sought. He further points out that in the given circumstances as the time period is short, it may not be possible for the Narcotic Control Bureau to verify the facts narrated in the present petition. It is also submitted that as the petitioner is lodged in District Jail Kurukshetra and that an appropriate direction in this regard has to be issued to Superintendent, District Jail Kurukshetra.

Mr. Kanwar Sanjiv Kumar, AAG Haryana, who is present in Court accepts notice for the said limited purpose on behalf of State of Haryana even though, the State of Haryana is not a party in the petition.

Taking into consideration the circumstances pointed out in the present petition and the fact that last ceremonies are scheduled for 24.06.2022, the instant petition is disposed of in the following terms:-

- I. That the Superintendent, District Jail Kurukshetra is directed to ensure that the petitioner is taken in custody to the venue of *Rasam Pagri/Bhog* of Johny (deceased brother of the petitioner Ashok Kumar) on 24.06.2022 by 10:00 AM and shall ensure that he is brought back to the jail premises by or before 5:00 PM on the same day itself.
- II. The Superintendent of Police, Kurukshetra is directed to ensure that adequate surety and protection at the venue so that the petitioner does not attempt to flee or make good his escape while attending the *rasam pagri/bhog* ceremony.

Copy of this order be handed over the respective parties under the signatures of the Bench Secretary.

(VINOD S. BHARDWAJ)
JUDGE

June 22, 2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*