

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

235+109

CRM-M No.36412 of 2022 (O & M)

Date of decision:15.09.2022

Krishan Kumar Arora

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rohit Kapoor, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

SUVIR SEHGAL J. (ORAL)

CRM-34772-2022

Application is allowed as prayed for.

Amended petition alongwith annexures is taken on record.

Main Case

This is the second petition filed by the petitioner under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973, seeking grant of interim bail for a period of three months to the petitioner in case FIR No.95 dated 25.02.2020 lodged for offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), wherein Sections 25 and 29 of the NDPS Act; Sections 467, 468, 471 and 120-B of IPC, 1860, were added later on, at Police Station City Barnala, District Barnala, on medical grounds.

Counsel for the petitioner submits that first petition filed by the petitioner was rejected by this Court vide order dated 23.07.2021, Annexure P-6. He submits that SLP (Crl.)-9705-2021 was preferred by the petitioner and by order dated 28.04.2022, Annexure P-7, while dismissing the SLP, Supreme Court granted liberty to the petitioner to move an appropriate application seeking grant of bail on account of medical condition of his wife. Counsel further submits that the petitioner approached the Sessions Court by filing a

petition under Section 439 of Cr.P.C., which has been rejected vide order dated 05.05.2022, Annexure P-5. Prayer made in the instant petition is for release on interim bail as petitioner's 65 years old wife is fighting Cancer, which is at an advanced stage and has been advised *radiotherapy* followed by *chemotherapy*.

Notice of the petition was issued by the State and a report by way of a short affidavit has been filed by Deputy Superintendent of Police (D), Barnala, verifying the averments made in the petition.

State counsel submits that as the recovery effected is exceptionally huge, a heavy surety should be insisted upon.

Heard counsel for the parties.

Petitioner's son is also in custody and his daughter is married and living at her matrimonial home. Considering the medical condition of the petitioner's wife, which has been ascertained by the State and keeping in view the fact that there is no other male member in the family of the petitioner to look after her, petitioner is granted interim bail for a period of three months from the day of his release, subject to his furnishing local surety of Rs.5 lac to the satisfaction of CJM/Duty Magistrate concerned.

Applicant will surrender before the authorities concerned upon the completion of the period.

Petition is allowed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.09.2022

(SUVIR SEHGAL)
JUDGE

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No