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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-38149-2022
Date of Decision: 12.09.2022**

Sanjay

....Petitioner(s)

Versus

U.T. Chandigarh

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.P. Kaushal, Advocate for the petitioner.

Ms. Simsi Dhir, APP, UT, Chandigarh

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of interim regular bail to the petitioner in FIR No. 23 dated 12.03.2022, under Section 21 of NDPS Act, registered at Police Station Sector-19, Chandigarh on the ground that wife of the petitioner is pregnant and expecting the delivery of child in the month of September, 2022.

This Court had directed the State to verify with regard to the submissions made by the learned counsel for the petitioner as aforesaid.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 12.03.2022 and has got clean antecedents and is not involved in any other case and he was falsely implicated with regard to alleged recovery of 263.4 grams of heroin.

Today, Ms. Simsi Dhir, learned Additional Public Prosecutor,

Union Territory, Chandigarh has stated that it has been verified that the wife of the petitioner is expecting delivery in the month of September, 2022 and tentatively in the 3rd week of September, 2022 and it has also been verified that the wife of the petitioner is living separately and there is no relative available who can take care of the wife of the petitioner. She further submitted that the aforesaid position was verified from the neighbourhood as well.

I have heard the learned counsel for the parties.

The petitioner is stated to be not involved in any other case and he is in custody from 12.03.2022. The factum of delivery of the wife of the petitioner has also been verified by the learned State counsel and it has also been verified that there is no relative available who can take care of the wife of the petitioner.

Therefore, this Court is of the view that the petitioner deserves the concession of interim bail for two months in the light of Article 21 of the Constitution of India.

Consequently, the present petition is allowed. The petitioner shall be released on interim bail w.e.f. 14.09.2022 for a period of two months subject to the satisfaction of the learned trial Court/Duty Magistrate concerned. Thereafter, after the expiry of the period of interim bail, the petitioner shall surrender before the jail authorities.

12.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No