

CRM-M-52188-2021 (O&M)

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

CRM-M-52188-2021 (O&M)
Decided on: 23.11.2022

Dalwinder Singh

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Rana, Advocate and
Mr. Arvind Kumar Sharma, Advocate for the petitioner.

Ms. Gurmeet Kaur, Senior Counsel for UOI (NCB)

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ANOOP CHITKARA, J.

Case Crime No.	Dated	Police Station	Sections
45	29.06.2021	NCB, Chandigarh	8, 20, 25, 27-A, 29, 60 & 85 of Narcotic Drugs and Psychotropic Substance Act, 1985

1. The petitioner under arrest as per the crime case captioned above, had come up before this Court under Section 439 CrPC seeking regular bail. During the pendency of the petition, the petitioner has filed an application CRM-26092-2022 for interim bail because of very special heart condition of his daughter which is genetic in nature.

2. Counsel for the respondent has verified the health condition of petitioner's daughter and submitted the report which is taken on record. In the report submitted by counsel for the respondent, the following details has been mentioned:-

“With due respect that patient, Simarpreet Kaur, 14 years, visited the pediatric Department on 21.11.2022. She had EDHO report from the Cardiology Department. In which child is diagnosed with ASDC VSD C R-L Shunt (Eisenmenger). Therefore, for getting the opinion from Pediatric Cardiology and further management, the child was referred to PGI, Chandigarh.”

3. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family. He orally submits that considering the bad health of petitioner's daughter and coupled with the fact that even earlier he had lost one daughter due to similar kind of disease, he be given at least 8 weeks of interim bail.

4. After carefully analysing the matter, this court is of the considered opinion that

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the petitioner is entitled to the interim bail till 10.01.2023, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering on 10.01.2023, it shall be open for him to file a fresh bail petition under section 439 CrPC on merits.

5. 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.

6. Given above, provided the accused is not required in any other case, the petitioner shall be released on interim bail 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 Ilqa 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.

7. 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.

8. 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.

9. 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.

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10. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

11. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and the residence of the victim and shall also not enter within a radius of one-hundred meters from the victim's home during the period of this interim bail. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Crl.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

12. 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.

13. 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.

14. **The petitioner shall surrender in prison from where he was released, on or before 10.01.2023, by 2 p.m.**

15. *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.*

CRM-26092-2022 is allowed. The main petition is disposed of with liberty to file a fresh after surrender. The disposal of the present petition shall not stand in the way of filing and considering the fresh petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

23.11.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.