

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53471-2021 (O&M)
Date of Decision:-5.1.2022

Major Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akshay Rana, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurmit Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of *interim* bail in a case registered vide FIR no.0020 dated 14.2.2020, Police Station Meharban, District Police Commissionerate, Ludhiana under Sections 15, 61 and 29 of Narcotic Drugs & Psychotropic Substances Act so as to make necessary arrangements in respect of marriage of his son, which is stated to be solemnized on 19.1.2022.
2. Pursuant to issuance of notice of motion, the State has verified the assertion regarding marriage of petitioner's son. Mr. Ajay Pal Singh Gill, DAG, Punjab has informed that upon verification it has been found that the

marriage of petitioner's son is indeed to be solemnized on 19.1.2022. Learned State counsel has, however, opposed the petition on the ground that the petitioner is a habitual offender having been involved in as many as 7 other cases. It has, however, been informed that the petitioner as on date has been behind bars since the last 1 year and 21 days.

3. I have considered the submissions addressed before this Court.
4. As per the case of prosecution 2 of the co-accused of the petitioner had been arrested at the spot and were found in possession of 75 kilograms of '*poppy husk*'. It was pursuant to the disclosure statement of co-accused Ravi that the petitioner was arrested from his residence and another 75 kilograms of '*poppy husk*' was recovered. It is no doubt correct that the allegations as levelled are serious particularly in light of the fact that the petitioner has been involved in other identical cases previously as well. However, at the same time, this Court cannot lose sight of the fact that the petitioner would be required to perform and participate in various rites and ceremonies in respect of marriage of his son, which is stated to be solemnized on 19.1.2022. The petitioner, in any case, has been behind bars for a substantial period of 1 year and 21 days. The Sarpanch of petitioner's village namely Ms. Jasvir Kaur as well as Panch Gurdip Singh and Panch Sarabjit Singh and Rani Kaur have certified that they do not have any objection for release of the petitioner on *interim* bail and that there is no apprehension of breach of any peace.
5. In view of the aforestated position, particularly the fact that the petitioner's son is to get married on 19.1.2022, the petition is allowed and the petitioner is ordered to be released on *interim* bail for a period of 8 days commencing

from the morning of 14.1.2022 to 21.1.2022, subject to his furnishing bail bonds and heavy surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. The petitioner, after availing *interim* bail, shall surrender before the Jail Authorities on the morning of 22.1.2022. At the time of acceptance of the surety bonds, it shall be open to the Court concerned to insist upon some kind of undertakings from the Sarpanch/Panch of the petitioner's village.

5.1.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No