

297

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

CRM-M-53427-2022

Date of Decision: 22.11.2022

Raj Singh alias Raju

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Riffi Bala Birla, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 read with Section 482 of the Code of Criminal Procedure for grant of interim regular bail to the petitioner in FIR No.98, dated 02.07.2020, under Sections 15/29/61 of the NDPS Act, registered at Police Station Bahawala, District Fazilka for a period of 15 days on the ground that the daughter of the petitioner is scheduled to get married on 28.11.2022.

This Court had issued notice of motion to the State on 17.11.2022 for the purpose of verification regarding the factum of marriage of the daughter of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 29.04.2021. She further submitted that only one prosecution witness has been examined till date and the petitioner has suffered incarceration for almost 1 year & 7 months. She also submitted that the

allegations against the petitioner were that there was an alleged recovery of 120 kgs. of *Poppy Husk* from four persons and in fact the petitioner has been falsely implicated in the present case. She further submitted that the reason for false implication was that the petitioner was earlier involved in one more case under the NDPS Act and due to that reason he was implicated in the present case. She also submitted that in the family of the petitioner, there is his father, who is an old age person and suffering from multiple number of ailments and his son, who is only 10 years old and there is no other person in the family to make arrangement for the marriage of his daughter, which is scheduled to be held on 28.11.2022. She also submitted that when the petitioner had filed an application for grant of interim bail before the learned Special Judge, Fazilka, a conditional order was made and it was directed by the learned Special Judge that the concerned Jail Superintendent will produce the petitioner on 28.11.2022 from 9.00 am till 5.00 pm for the purpose of attending the marriage ceremony of his daughter. She also submitted that it is not only the presence of the petitioner for the purpose of performance of ceremonies which is important but it is extremely important that the petitioner being a father of the girl and there is no other family member to make arrangement which is more important and for that purpose, the petitioner needs an interim regular bail for a period of 15 days. She further submitted that the petitioner is an undertrial and has already faced incarceration for almost 1 year & 7 months but the prosecution has not even been able to depose before the trial Court and only one witness has been examined till date, which resulted delay in trial. She has prayed that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of interim regular bail.

Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab, has stated on instructions from A.S.I. Jagraj Singh, that it is correct that the petitioner is in custody for almost 1 year & 7 months. He further submitted that the learned Special Judge has already granted indulgence by which it was directed that the petitioner can be produced on the date of marriage i.e. on 28.11.2022 from 9.00 am till 5.00 pm.

I have heard the learned counsel for the parties.

It is a case where the petitioner is in custody for almost 1 year & 7 months and only one witness has been examined till date. The allegations against the petitioner were with regard to the confiscation of 120 kgs. of *Poppy Husk* from four persons and the petitioner is stated to be involved in one more case. The petitioner is an undertrial and is seeking interim regular bail for a period of 15 days for the purpose of performance of marriage ceremony of his daughter. Both the learned counsel for the parties have submitted that in the family of the petitioner, there is his father, who is an old age person and is suffering from various ailments and his son, who is of the age of only 10 years.

In the aforesaid facts and circumstances, this Court is of the view that for the purpose of marriage of the daughter of a person, it is not only that on the day of marriage, there is a requirement of father for the purpose of performance of ceremony but the father has to discharge his own responsibility for the purpose of getting his daughter married and for that purpose, various arrangements are to be made. Therefore, this Court while taking a humanitarian approach and also in the light of the Article 21 of the Constitution of India, deems it fit and proper to grant interim regular bail to

the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on interim regular bail for a period of 15 days w.e.f. 23.11.2022 after furnishing requisite bail bonds/surety bonds to the satisfaction of learned CJM/Duty Magistrate/appropriate Court, concerned.

The time of release and the date of surrender shall be fixed by the concerned Court of CJM/Duty Magistrate/appropriate Court.

22.11.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |