

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56874-2022 (O&M)
Date of decision: 08.12.2022

Rajan Sondhi

...Petitioner

Versus

Union of India and another

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Randeep Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate,
Mr. Farhad Kohli, Advocate
for the petitioner.

Mr. Sourabh Goel, Sr. Standing Counsel and
Mr. Tej Bahadur, Advocate
for respondent No.1-UOI.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of interim bail to the petitioner for a period of 30 days, case bearing file No.DRI/DZU/34/ENQ-14/2022 under Sections 9, 25, 25(A), 27(A), 28 & 29 of NDPS Act, on account of the fact that his wife is expecting to deliver a baby in first week of December, 2022.

Learned senior counsel for the petitioner, at the very outset,

submits that the petitioner is ready to deposit a sum of Rs.10.00 lacs with the trial Court/Chief Judicial Magistrate, Yamuna Nagar as security that after availing the interim bail, he will surrender back immediately and in case, he failed to surrender back, said amount shall stand forfeited to the State. It is further submitted that the petitioner has also moved similar application before the Additional Sessions Judge, Yamuna Nagar, however, after verifying the fact that expected date of delivery is after 07.12.2022 and also verifying the fact that his mother is suffering from multiple health related ailments and is unable to take care of pregnant wife of the petitioner, his father can look after wife of the petitioner. It is also submitted that the petitioner is having three years old minor daughter and at this stage, when his wife is expecting delivery, it is difficult for her to take care of the minor daughter.

Learned Sr. Standing Counsel for the respondent-UOI has handed over a communication given to him by the Investigating Officer, wherein, at Sr. No.(3), pregnancy of wife of the petitioner as well as ailments of his mother is verified, however, it is submitted that since father of the petitioner is available, he can take care of wife of the petitioner. Another apprehension shown by learned Sr. Standing Counsel is that two partners of Shree Murlidhar Industries are still absconding and if the petitioner is granted interim bail, he will temper with the evidence or influence the witnesses to stall the investigation.

In reply, learned senior counsel for the petitioner has submitted

that the investigation is still going on and as on today, no formal complaint has been filed, therefore, there is no possibility of tempering with the prosecution evidence. It is further submitted that the petitioner/his father are having properties in Yamuna Nagar and there is no possibility for the petitioner to run away from the process of law, as he has to take care of his wife, who is expecting delivery within one week from today.

Since the prayer is limited to the extent of granting interim bail, details facts are not required to be noticed.

After hearing learned counsel for the parties and considering the fact that the petitioner was arrested on 06.09.2022; investigation is going on; formal complaint is yet to be filed and the petitioner has volunteered to deposit a sum of Rs.10.00 lacs, as security, with the trial Court/Chief Judicial Magistrate, Yamuna Nagar, for granting him interim bail for the delivery of his wife and also to take care of his three years old minor daughter, as his mother is critically ill, this Court is of the opinion that the petitioner can be granted the concession of interim bail.

Accordingly, this petition is allowed and the petitioner is directed to be released on interim bail till 02.01.2023, subject to the following conditions: -

- (a) He will deposit the security amount of Rs.10.00 lacs along with bail/surety bonds. Deposit of security amount of Rs.10.00 lacs shall be a pre-condition before furnishing bail/surety bonds.
- (b) He will surrender back before the Superintendent, District

Prison, Yamuna Nagar before 05.00 pm on or before 02.01.2023.

- (c) In case the petitioner failed to surrender back on or before 02.01.2023 before 05.00 pm, security amount of Rs.10.00 lacs shall stand forfeited to the State.
- (d) On every day, he will mark his presence before the SHO or Incharge, Police Station City Jagadhri before 05.00 pm.
- (e) The petitioner, during the period of interim bail, will not leave the jurisdiction of District Yamuna Nagar in any manner and in case he is found violating this condition, his bail/surety bonds will automatically stand cancelled and the security amount will be forfeited.
- (f) During this period, in case the complainant/prosecution arrest any other accused and for the purpose of investigation, the petitioner is required, on a notice to be given to him, he will immediately appear before the Investigating Officer.

With the aforesaid observations, present petition is disposed of.

08.12.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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