

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

CRM-M-58164-2022 (O&M)
Date of Decision:- 15.12.2022

Sudhir Kumar Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tushan Wadhwa, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Kirtan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner who stands involved in case FIR No. 119, dated 9.10.2021, Police Station Mulepur, District Fatehgarh Sahib, under Sections 22(c), 29, 61, 85 of NDPS Act, seeks grant of interim bail on account of death of his uncle namely Govind Lal who is stated to be not having any issue and was residing with the petitioner's family and had been treating the petitioner as his son. As per the averments made in the petition said Govind Lal had expired on 8.12.2022.
2. Learned counsel for the petitioner submits that since there is no other male member in the family and his brother has also expired and that even the rites pertaining to cremation had been performed by wife of the petitioner. Learned counsel has also submitted that Govind Lal was unmarried and since he was treating the petitioner as his son, he had executed a WILL bequeathing his property in favour of the petitioner's wife as would be evident from the WILL (Annexure P-4).

3. Vide order dated 13.12.2022 this Court had directed the State to verify the assertions made in the application.
4. Learned State counsel, upon instructions from ASI Kirtan Singh, has informed that the factum of death of petitioner's uncle has been verified to be correct. It has also been informed that said uncle was unmarried and had been residing with the petitioner's family. Learned State counsel upon instructions from ASI Kirtan Singh has further informed that the brother of the petitioner has also expired.
5. Having regard to the aforestated factual position, it is evident that the unmarried uncle of the petitioner has expired who was residing with the petitioner's family and that there is no other male member in the family, as such, it goes without saying that the petitioner would be required to perform the last rites of his uncle who was residing with the petitioner's family. The application, as such, is accepted and the petitioner is ordered to be released on *interim* bail upto 23.12.2022 subject to his furnishing bail bonds/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 24.12.2022.

15.12.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No