

CRM-M-20-2023

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

CRM-M-20-2023.

Decided on: January 03, 2023.

Surender

.. Petitioner

VERSUS

State of Haryana

.. Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

**PRESENT Mr. Karan Sehgal, Advocate and
Mr. Rohit Rana, Advocate,
for the petitioner.**

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has filed the instant petition under Section 439 of the Code of Criminal Procedure, for grant of interim bail in case bearing FIR No.0328 dated 30.08.2022, under Section 22 (C) of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bawani Khera, District Bhiwani.

Learned counsel for the petitioner *inter alia* contends that the allegation against the petitioner who is a Pharmacist is that he was in possession of 17 strips of Alpraset 0.5 containing 60 tablets each. He was

taken in custody on 30.08.2022. He further contends that father of the petitioner passed away on the intervening night of 26th December, 2022 and 27th December, 2022 and the petitioner was allowed to appear in police custody for performing the cremation/last rites of his father on 27.12.2022. He contends that the *kriya* ceremony of the father of the petitioner is slated for 04.01.2023, however, as the petitioner was in custody and the eldest son, the immersion of the ashes could not take place. He contends that even though the Court of Additional Sessions Judge, Bhiwani, has partly allowed the petition filed by the petitioner, however, the relief is only to allow the petitioner to participate in the *kriya* ceremony to be held on 04.01.2023. He contends that the petitioner is first required to go to Haridwara for performing immersion of the ashes of his late father and thereafter to participate in the *kriya* ceremony.

Notice of motion.

Mr. Vivek Saini, Addl. A.G. Haryana, who is present in the Court accepts notice. Learned counsel for the State does not dispute the factum of the death of the father of the petitioner/or that the petitioner is the eldest son. The *kriya* ceremony is also not subjected to any dispute.

Taking into consideration the totality of the circumstances referred to above, the present petition is allowed. It is ordered that the petitioner shall be released on bail with effect from today on his furnishing bail bonds/surety bonds to the satisfaction of the Duty Magistrate/Illaqu Magistrate, concerned. The petitioner shall surrender before concerned Jail on 06.01.2023 before 4:00 P.M.

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A copy of the order be given under the signatures of
Court Secretary.

January 03, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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