

225
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-1537-2023
Date of Decision: 17.01.2023**

DHARMINDER SINGH @ FAUJI

....Petitioner(s)

Versus

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Piyush Sharma, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a petition for seeking grant of interim bail to the petitioner from 20.01.2023 to 23.01.2023 on the ground that the real brother of the petitioner is scheduled to get married and the petitioner and his brother are two brothers and in the present case the petitioner has already faced incarceration for more than 1 year and 4 months since he is in custody from 30.08.2021. He submitted that the petitioner is also involved in one more case under the NDPS Act but the present FIR is arising out of the allegations made in the earlier FIR and he has been falsely implicated in the present case. He submitted that although earlier he had filed a petition for grant of regular bail but he had withdrawn the bail petition but now his interim bail petition may be considered in view of the aforesaid facts and circumstances. He further submitted that the petitioner will immediately surrender on the expiry of the interim bail granted by this Court.

Ms. Akshita Chauhan, learned DAG, Punjab has submitted that in pursuance of the notice of motion order issued by this Court, the factum of marriage of the younger brother of the petitioner has been verified and it has been verified from the family members and other residents of the village that the brother of the petitioner is scheduled to get married on 21.01.2023.

I have heard the learned counsel for the parties.

Although earlier the petitioner had withdrawn the petition for grant of regular bail twice but now his custody is more than 1 year and 4 months and as per the allegations, the recovery from the petitioner was 10 grams of heroin but thereafter on his disclosure, there was further recovery of 270 grams of heroin from him. Be that as it may, this Court is of the considered view that the factum of marriage of the brother of the petitioner has been verified by the State and he has already faced incarceration for more than 1 year and 4 months. Therefore, it will be just and proper in case the petitioner is granted interim bail for a period of 4 days.

In view of the above, the present petition is allowed. The petitioner shall be released on interim bail from 20.01.2023 to 23.01.2023 till 5.00 P.M. He shall be released on interim bail subject to his furnishing bail bond/surety bond to satisfaction of the trial Court/Duty Magistrate concerned. He shall surrender before the jail authorities immediately on the expiry of the aforesaid period i.e. on or before 5.00 P.M. on 23.01.2023.

17.01.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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