

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

CRM-M-5271-2023

Date of Decision:-30.10.2023

Umed @ Umed Dagar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harish Jain, Advocate for
Mr. Deepender Singh, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of interim bail to the petitioner for a period of 03 weeks to arrange and attend the marriage ceremony of his daughter Ms. Monika during the pendency of the Trial in case FIR No.27 dated 14.01.2022 under Sections 20/61/85 of NDPS Act registered at Police Station Hodal, District Palwal, Haryana.

On 22.02.2023 the following order was passed:-

“ *The Prayer in this petition under Section 439 Cr.PC is for the grant of interim bail to the petitioner for a period of 03 weeks to arrange and attend the marriage ceremony of his daughter Ms. Monika during the pendency of the Trial in case FIR No.27 dated 14.01.2022 under Sections 20/61/85 of NDPS Act registered at Police Station Hodal, District Palwal, Haryana.*

2. *The brief facts of the case are that the*

aforementioned FIR came to be registered against the petitioner for having in his possession 136 Kgs of Ganja Patti and 940 grams of Cannabis (Ganja). He had sought the concession of interim bail but the same was declined vide order dated 20.01.2023. However, he was allowed to attend the wedding on 28.02.2023 in custody.

3. *It is his contention that apart from attending the wedding of his daughter, he is required to make necessary arrangements for the same.*

4. *The Counsel for the State on the other hand admits the factum of the marriage of the daughter of the petitioner but contends that since there is one other FIR of similar nature pending against the petitioner, he was not entitled to the relief as claimed for. However, in case he was to be permitted interim bail, strict conditions be imposed upon him.*

5. *I have heard the learned counsel for the parties.*

6. *The factum of the wedding of the daughter of the petitioner is admitted. The wedding is to take place on 28.02.2023. The petitioner being the father is certainly required to be present to conduct the various ceremonies associated with the wedding of his daughter. Therefore, the prayer of the petitioner for the grant of interim bail for a period of 07 days can be considered.*

7. *In view of the above, the present petition is allowed and the petitioner-Umed @ Umed Dagar son of Shri Kishan Singh is ordered to be released on interim bail from 9.00 am on 24.02.2023 till 6.00 pm on 02.03.2023 subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.*

8. *In addition, the petitioner (on anyone on his behalf) shall prepare an FDR in the sum of Rs.5,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case he does not surrender before the Jail concerned at 6.00 pm on 02.03.2023.*

10. *Adjourned to 03.03.2023.*

Thereafter on 03.03.2023 the following order was passed:-

“ On 22.02.2023 the following order was passed:-

The Prayer in this petition under Section 439 Cr.PC is for the grant of interim bail to the petitioner for a period of 03 weeks to arrange and attend the marriage ceremony of his daughter Ms. Monika during the pendency of the Trial in case FIR No.27 dated 14.01.2022 under Sections 20/61/85 of NDPS Act registered at Police Station Hodal, District Palwal, Haryana.

2. *The brief facts of the case are that the aforementioned FIR came to be registered against the petitioner for having in his possession 136 Kgs of Ganja Patti and 940 grams of Cannabis (Ganja). He had sought the concession of interim bail but the same was declined vide order dated 20.01.2023. However, he was allowed to attend the wedding on 28.02.2023 in custody.*

3. *It is his contention that apart from attending the wedding of his daughter, he is required to make necessary arrangements for the same.* 4. *The Counsel for the State on the other hand admits the factum of the marriage of the daughter of the petitioner but contends that since there is one other FIR of similar nature pending against the petitioner, he was not entitled to the relief as claimed for. However, in case he was to be permitted interim bail, strict conditions be imposed upon him.*

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8. *In addition, the petitioner (on anyone on his behalf) shall prepare an FDR in the sum of Rs.5,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case he does not surrender before the Jail concerned at 6.00 pm on 02.03.2023.*

10. *Adjourned to 03.03.2023.*

The court has been informed today that the petitioner has not surrendered in terms of the aforementioned order. The Trial Court is directed to adopt all coercive means to procure his presence. The SP, Palwal is directed to personally look into matter and ensure that the arrest of the petitioner is effected on or before the next date of hearing.

List on 22.03.2023.”

Thereafter on 22.03.2023 the following order was passed:-

“ *The Court has been apprised that the petitioner has not surrendered before the Trial Court till date.*

Adjourned to 27.03.2023.

In view of the order dated 22.02.2023, the Trial Court is directed to proceed in accordance with the law and encash/forfeit the FDR for a sum of Rs.5,00,000/- immediately.”

Thereafter on 27.03.2023 the following order was passed:-

“ *On 22.03.2023, the following order was passed in this case:-*

“The Court has been apprised that the petitioner has not surrendered before the Trial Court till date.

Adjourned to 27.03.2023.

In view of the order dated 22.02.2023, the Trial Court is directed to proceed in accordance with the law and encash/forfeit the FDR for a sum of Rs.5,00,000/- immediately”.

Since the petitioner has yet not been arrested, the Trial Court is directed to comply with the aforementioned order immediately.

A copy of this order be forwarded to the Trial Court for compliance. Adjourned to 13.04.2023.”

Thereafter on 13.04.2023 the following order was passed:-

“ *Adjourned to 09.05.2023.*

The Superintendent of Police, Palwal is directed to file reply to the petition stating therein the steps taken to effect the arrest of the petitioner.”

Thereafter on 09.05.2023 the following order was passed:-

“ In compliance of the order dated April 13, 2023, a status report/reply by way of an affidavit of Lokender Singh, IPS, Superintendent of Police, District Palwal, has been filed in the Court. The same is taken on record.

The learned counsel for the respondent-State has stated that Rs.5,00,000/- already stands forfeited and proceedings to declare the petitioner a proclaimed offender have been initiated.

In the interest of justice, adjourned to 11.07.2023 for further proceedings.”

The Counsel for the State on instructions submits that the petitioner has been arrested in another FIR in Delhi and also joined investigation in the present case through video conferencing on 02.08.2023.

In view of the above, no further orders are required to be passed.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 30, 2023
Vinay

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