

CRM-M-15336-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15336-2022 (O&M)
Decided on: 24.03.2023

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunny Sagar, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
179	16.09.2021	Nihal Singh Wala, District Moga, Punjab	22 of NDPS Act

CRM-10284-2023

Allowed, as prayed for. In compliance to the order dated 25.01.2023, the document is taken on record. Registry to tag the same at appropriate place.

Main case

1. The petitioner under arrest as per the FIR captioned above, had come up before this Court under Section 439 CrPC seeking regular bail.
2. Counsel for the petitioner submits that earlier, the petitioner was granted interim bail till 31.01.2022, vide order dated 23.12.2021 passed by this Court in CRM-44360-2021 in/and CRM-M-48589-2021. He further submits that he confines his bail petition to the prayer of interim bail on his deteriorating health condition. He further submits that denial of interim bail would cause an irreversible injustice to the petitioner and family. Petitioner’s counsel has also shown his bona fide by surrendering after completion of the interim bail.
3. Counsel for the State has not objected to the interim bail.
4. I have gone through the latest medical records (P-16 to P-22), in which, it has been mentioned that the petitioner is undergoing treatment for a lot of diseases, which is not possible in the jail. Given the critical condition of the petitioner, this court is of

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the considered opinion that the petitioner is entitled to the interim bail till **01.05.2023**, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering on **01.05.2023**, it shall be open for him to file a fresh bail petition under section 439 CrPC on merits.

5. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for limited period interim bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of CrPC, 1973.

6. Given above, provided the accused is not required in any other case, the petitioner shall be released on interim bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Twenty-five thousand (INR 25,000/-) to the satisfaction of the concerned Court/ Judicial Magistrate having the jurisdiction over the Police Station conducting the investigation, and in case of non-availability, any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the sureties, the concerned Court must satisfy that if the accused fails to appear in Court, then such surety is capable of producing the petitioner before the Court.

7. On the reverse page of personal bonds, the attesting officer shall mention the permanent address of the petitioner along with the phone number linked with the AADHAR card, the other phone numbers (if any), and e-mail (if any). In case of any change in the above particulars, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change to the concerned Police Station and the concerned Court.

8. The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the police officials, or any other person acquainted with the facts and the circumstances of the case, to dissuade them from disclosing such facts to the police, or the court, or to tamper with the evidence.

9. Immediately on reaching home/venue, the petitioner shall procure a smartphone and inform its IMEI number and other details to the SHO/I.O. of the Police station mentioned above. The petitioner shall always keep the phone location/GPS on the "ON" mode. Whenever the Investigating officer asks to share the location, the petitioner shall immediately do so. The petitioner shall neither clear the location history, WhatsApp chats, call logs nor format the phone without permission of the concerned SHO/I.O. This condition shall continue till surrender.

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10. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within ten days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules.

11. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and the residence of the victim and shall also not enter within a radius of one-hundred meters from the victim's home during the period of this interim bail. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Crl.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

12. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this bail order in any language that the petitioner understands.

13. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

14. The petitioner shall surrender in prison from where he was released, on or before 01.05.2023, by 11 a.m.

15. There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Petition is allowed in the terms mentioned above with liberty to file a fresh after surrender. The disposal of the present petition shall not stand in the way of filing and considering the fresh petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.03.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.