

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

CRM-M-18024-2023

Date of Decision:-18.04.2023

Imtiyaz Ahmed.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. S.P.S. Khaira, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC read with Section 482 Cr.PC is for the grant of interim bail in case FIR No.173 dated 21.10.2022 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Khanna, District Ludhiana.

2. The brief facts of the case are that while the police party was on patrolling duty, information was received that Imtiyaz Ahmed (petitioner) resident of Jammu and Kashmir and Ishtiyak Ahmed after loading fruits and other things from Kashmir used to go to Azad Mandi and would be bringing back a huge quantity of intoxicant vials and injections from Delhi and were taking the same to Kashmir for selling at a profit. If a raid was conducted near Dhaba Markfed, Khanna where the truck was parked, the persons could be apprehended along with intoxicating vials and injections.

Based on the information, the instant FIR came to be registered.

Subsequent thereto the petitioner and his co-accused were arrested and the recovery of 20 bottles of 100 mls each of intoxicating liquid containing Codeine Phosphate Syrup came to be effected.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Since the wife of the petitioner Mrs. Rehana was in advanced stage of pregnancy he may be released on interim bail being the sole breadwinner of the family. In fact, there was no one else to look after his wife. His parents were aged and his sisters were already married. Reference is made to certain documents depicting the pregnancy of Mrs. Rehana (Annexure P-2). Reference is also made to a certificate issued by MC, Baramullah stating that the petitioner was the only breadwinner of the family and his wife is pregnant (Annexure P-3).

4. The learned State counsel on the other hand contends that the petitioner is one of the main accused. Commercial quantity of contraband has been recovered from the petitioner and his co-accused. The first bail application of the petitioner had been ordered to be dismissed as withdrawn by this Court vide order dated 17.01.2023 (Annexure P-5). Even at that time, the wife of the petitioner was pregnant. However, no such prayer was made at that stage. Be that as it may, mere pregnancy of his wife did not entitle him to the grant of bail keeping in view the nature of allegations against him as also the fact that he was a resident of another State and was likely to abscond in case he was granted the concession of bail.

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

6. The petitioner is undoubtedly one of the main accused. He is a resident of J&K. There is a very good possibility of the petitioner absconding from justice in case he is granted the concession of interim bail.

Even otherwise mere pregnancy is not a reason enough for the grant of

interim bail to the petitioner as the said condition is not a medical condition for which hopsitalization is needed for a significant length of time. Even otherwise, there is nothing to suggest that the parental family members of Mrs. Rehana were unable to take care of her. Further the bail application of the petitioner already stands withdrawn on 17.01.2023.

7. In view of the above, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

April 18, 2023
Vinay

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