

CRM-M-18539-2023 (O&M)

248

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-18539-2023 (O&M)
Decided on: 24.04.2023

SHIVAM

...Petitioner

Versus

UNION OF INDIA THROUGH
INTELLIGENCE OFFICER

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Jagjot Singh Lalli, Deputy Solicitor General of India
for NCB.

ANOOP CHITKARA, J.

Case Crime No.	Dated	Police Station	Sections
54	23.08.2022	NCB, Chandigarh	8, 20, 25, 28, 29, 60 & 62 of Narcotic Drugs and Psychtropic Substance Act, 1985

1. The petitioner under arrest as per the crime case captioned above, had come up before this Court under Section 439 CrPC seeking interim bail on the ground to attend his ailing wife-Bhavya Malik who has undergone surgery of kidney removal at Apollo Hospital, New Delhi.
2. On the other hand, learned State Counsel has opposed the aforesaid prayer, however, he does not dispute that investigation of the case is complete and the challan stands presented.
3. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family. Learned counsel for the petitioner submits that it remains undisputed that the petitioner’s wife has undergone kidney transplant. Petitioner’s counsel further submits that this time her kidney was removed and now she has only one transplanted kidney. He further submits that there is no other member in the family to take care of his wife who is in the critical stage and is a possibility of getting infection. On this ground, petitioner seeks interim bail only for a limited period and he would not seek further extension of interim bail in the present petition.

4. After carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to the interim bail till 15.05.2023.

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.

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.

CRM-M-18539-2023 (O&M)

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 15.05.2023 by 2 p.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. Petitioner is at liberty to file a petition for regular bail after surrender. The disposal of the present petition shall not come to his while filing fresh petition. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.04.2023
shruti

Whether speaking/reasoned: Yes
Whether reportable: No.