

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30175-2023
Decided on : 26.07.2023

Suresh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj K. Gupta, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

In compliance of order dated 06.07.2023, affidavit of Deputy Superintendent of Police, Special Task Force, Ludhiana Range, Ludhiana filed on behalf of respondent-State in Court today, is taken on record subject to all just exceptions.

1. The petitioner is seeking grant of interim bail for three months in case FIR No.46 dated 28.02.2023 under Sections 21/29 of NDPS Act registered at Police Station Special Task Force District STF Wing, Ludhiana on account of the fact that his wife, who is also an accused in the FIR in question, had recently delivered a baby boy.

2. Learned counsel for the petitioner has contended that though his wife had been enlarged on interim bail so that she could be properly taken care of, by her family, however, her family had deserted her on account of her

involvement in the case in question and were also shying away from nursing her post delivery of her baby boy as a result the presence of her husband i.e. petitioner was required so that he could be with his wife and the new born baby.

3. While issuing notice of motion on 06.07.2023, learned State counsel had been directed to verify the authenticity of the submissions made by counsel for the petitioner.

4. While drawing the attention of this Court to the reply, which has been filed today, learned counsel for the State has submitted that there was no grain of truth in the submissions made by counsel for the petitioner that the family of the petitioner's wife had deserted her and there was no one to take care of her and the new born baby. Learned State counsel has further submitted that as per the records of Guru Teg Bahadur Sahib Charitable Hospital, Ludhiana where the petitioner's wife was admitted for her delivery, she had been admitted by none other than her own sister Sunaina on 04.07.2023. The wife of the petitioner delivered a baby boy on the said date by cesarean section. Learned State counsel has also submitted that the petitioner's wife is being taken care of in the hospital by two of her sisters and her mother.

5. Learned State counsel has opposed the grant of concession of interim bail to the petitioner by urging that there is every likelihood that the petitioner could abscond or even misuse the concession of interim bail as even previously after being extended the concession of bail in another case

registered against him under the NDPS Act, he had committed the offence in question. Learned State counsel has thus, prayed for dismissal of the instant petition in view of the criminal antecedents of the petitioner.

5. Heard learned counsel for the parties and perused the relevant material available on record.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner is involved in another criminal case under NDPS Act, this Court does not deem it fit to extend the concession of interim bail to the petitioner. Accordingly, the present petition stands dismissed.

26.07.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No