

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-28651-2023 in/and
CRM-M-33664-2023
Decided on: 11.08.2023

Imran Ahmed Wani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Randeep Singh Waraich, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
78	26.05.2022	Sadar Khanna, District Ludhiana	22, 25, 27 of the NDPS Act

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking regular bail. An application bearing CRM No. 28651 of 2023 for grant of interim bail for a period of three months on the ground that his wife is suffering from thyroid cancer is also filed.
2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. While opposing the interim bail, the State does not dispute the factum of the medical condition of wife of the petitioner on which the petitioner is seeking interim bail.
4. Counsel for the petitioner submits that this Court granted thrice interim bail to petitioner on the ground of medical condition of his wife, who is suffering from thyroid cancer and her condition is deteriorating day by day due to which her surgery is deferred and she is advised to first undergo for whole body pet scan, therefore, the petitioner confines his prayer for grant of 3 months of interim bail at this stage.

5. Counsel for the petitioner prays for interim bail by imposing any stringent conditions, including the condition that till the conclusion of the trial before the trial court, the petitioner shall keep only one mobile number, which is linked to AADHAR card and within fifteen days of release from prison, shall disconnect all other mobile numbers. The petitioner contends that the further pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

6. After carefully analysing the matter, this court is of the considered opinion that the petitioner is entitled to the interim bail till 11.11.2023, subject to the condition that the petitioner shall not press the main petition at this stage and after surrendering on 11.11.2023 by 2 p.m., it shall be open for him to file a fresh bail petition under section 439 CrPC on merits.

7. 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.

8. 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 Ilqa 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.

9. 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.

10. 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.

11. Petitioner is further directed to comply with their undertaking as reflected in the beginning of this order and also directed not to obtain more than one mobile number till the conclusion of trial. ***If the petitioner fails to comply with this condition, then on this ground alone, the bail might be canceled, and the State shall file application for the cancellation of bail.***

12. 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.

13. 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 (Cri.) 458; and Aparna Bhatt v. State of Madhya Pradesh, 2021 SCC Online SC 230.

14. 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.

15. 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.

16. **The petitioner shall surrender in prison from where he was released, on or before 11.11.2023, by 2 p.m.**

17. *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.*

CRM-28651-2023 is allowed. The main petition is disposed of 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

11.08.2023

Jyoti-II	Whether speaking/reasoned:	Yes
	Whether reportable:	No.