

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59634-2023
Decided on : 16.12.2023

Sonu Soni

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

Prayer in the instant petition filed under Section 439 Cr.P.C. r/w Section 482 Cr.P.C. is for grant of Ad-interim regular bail to the petitioner for a period of three months on the grounds of pregnancy of his wife Nisha, who is expected to deliver in the first week of January, 2024, in case FIR No.376 dated 25.04.2023 under Sections 21-C of NDPS Act, 1985 registered at P.S. Sadar Hisar, District Hisar.

2. Learned counsel for the petitioner *inter alia* contends that the wife of the petitioner is now in an advanced stage of pregnancy, and thus, the presence of the petitioner would be required besides her. It has been further submitted that since the petitioner and his wife had performed marriage against the wishes of their families, his wife was all by herself and there was nobody to take care of her.

3. On the last date of hearing, while issuing notice of motion, learned State counsel had been directed to verify the authenticity of the submissions

made by the learned counsel for the petitioner.

4. Short reply by way of affidavit of Deputy Superintendent of Police, Hisar-I, Hisar filed on behalf of the respondent-State, is taken on record subject to just exceptions.

5. Learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has not disputed the factum of the petitioner's wife being pregnant. Learned State counsel has submitted that the wife of the petitioner is not living all by herself as had been urged by the learned counsel, rather the aunt of the petitioner is also residing in the same house and there are other family members also, who are with the wife of the petitioner. Hence, his presence with his wife during this time is not required.

6. Learned State counsel has further submitted that since the petitioner is a man of criminal antecedents as he is involved in 2 other criminal cases of similar nature coupled with fact that the recovery of the contraband effected in the case in hand is huge, which has been classified as commercial under the NDPS Act, the prayer of the petitioner for being extended the concession of interim regular bail be declined.

7. I have heard both the parties and perused the material on record.

8. In view of the instructions received by the learned State counsel coupled with the criminal antecedents of the petitioner, this Court is not inclined to extend interim bail to the petitioner for 3 months. Accordingly, the present petition stands dismissed.

9. However, it is made clear that anything observed hereinabove

shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

16.12.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No