

271

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9064-2024 (O&M)
Date of decision: 19.03.2024

KARANDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sylvester Stephen, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 r/w 482 of the Code of Criminal Procedure for the grant of interim bail to the petitioner in FIR No.98 dated 20.08.2020, under Sections 21, 29 (61 and 85 added subsequently) of the NDPS Act, registered at Police Station STF, District SAS Nagar, Mohali on the ground that the mother of the petitioner has to undergo surgery.

2. Learned counsel for the petitioner submitted that the petitioner had moved the present petition on the ground that his mother is to be operated for knee surgery and there is no other male family member in the family to help her. He further submitted that although the bail petition filed by the petitioner before this Court was dismissed on merits and he filed an SLP (Criminal) before the Hon'ble Supreme Court and the same was dismissed as withdrawn in the month of January, 2024 and now because of the aforesaid reason, the interim bail for two weeks is required.

3. Notice of motion was issued on 04.03.2024 and it was directed that the learned State counsel shall seek instructions with regard to the aforesaid position pertaining to the grounds which have been taken in the present petition for grant of interim bail. In response thereto, an affidavit has been filed by the Deputy Superintendent of Police, Special Task Force, Border Range, District Amritsar in the Court today, wherein the factum of the aforesaid position that the mother of the petitioner needs knee surgery has not been denied and it has been verified by the police.

4. However, apart from the above, the learned State counsel, on instructions from ASI Aman Jeewanjot Singh, STF, Border Range, who is present in the Court and also on categorical instructions from DSP Sikander Singh, STF, Border Range, Amritsar submitted that it is a case where the petitioner is a habitual offender and he is involved in as many as 12 more cases including 4 cases under the NDPS Act and the allegations against the petitioner in the present case were very serious in nature. He further submitted that from the Indo-Pak Border, there was a recovery of 4 kgs and 290 grams of *heroin* from the fields of other co-accused, namely, Sukhwinder Singh @ Kala and as per the investigation, it was found that the aforesaid *heroin* was brought on the instructions from the present petitioner, who has links in Pakistan. He further submitted that after the dismissal of the regular bail petition of the petitioner on 24.07.2023, he has now filed a petition for grant of interim bail but the State has a reasonable apprehension that in case the petitioner is released on interim bail, then he may not only influence the witnesses but he may even abscond from justice considering the allegations against the petitioner in this regard.

5. Learned State counsel also submitted that it has also been verified that the wife of the petitioner is residing with the mother of the petitioner along

with her children and therefore, there should be no difficulty in getting the treatment of her mother done and therefore, considering the aforesaid seriousness of allegations against the petitioner, he does not deserve the concession of interim bail.

6. I have heard the learned counsel for the parties on the aforesaid issue, wherein the prayer is for grant of interim bail to the petitioner.

7. The petitioner had filed a regular bail petition before this Court, which was dismissed on merits on 24.07.2023 vide Annexure P-2. Thereafter, the petitioner assailed the aforesaid order before the Hon’ble Supreme Court and he withdrew the SLP on 16.01.2024 (Annexure P-3). After about one month, the petitioner filed the present petition for grant of interim bail on the aforesaid ground. Although the fact that the mother of the petitioner needs knee replacement surgery was verified by the police but at the same time, it has been stated by the learned State counsel that the wife of the petitioner is residing with the mother of the petitioner and she can take care of her. The apprehension which has been expressed by the learned State counsel considering the allegations against the petitioner in the present case and also considering the fact that he is a habitual offender cannot be ignored and carries weight.

8. Consequently, finding no merit in the present petition, the same is hereby dismissed.

19.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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