

2024:PHHC:096834



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

282

CRM-M-32927-2024 (O&M)
Date of decision: 31.07.2024

Shinderpal @ Shinderpal Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. K. S. Sidhu, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 Cr.P.C. read with Section 482 of Cr.P.C., is for grant of interim bail to the petitioner for a period of six weeks in FIR No. 321 dated 16.10.2023, registered under Section 21 of the NDPS Act, 1985 at Police Station Special Task Force, Phase-IV, Mohali.
2. Brief facts of the case relevant for the disposal of the present petition are that on 16.10.2023, on the basis of a secret information, the petitioner and co-accused Raj Kumar @ Karan were apprehended by the police and recovery of 1 kg. of heroin was effected from the bag hanging on the motorcycle, which they were riding. The petitioner was formally arrested at the spot. He has filed an application for grant of regular bail/interim bail before the Court of learned Judge, Special Court, Ferozepur but the same had been dismissed, vide order dated 31.01.2024.

2024:PHHC:096834



3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The petitioner is in judicial custody since 16.10.2023. It is submitted that the medical condition of the wife of the petitioner is not good as two fibroids have been detected in her uterus. She needs proper medical attention for her cure and for the said purpose, the presence of the petitioner is required as the father of the petitioner has already died and his other family members are residing separately. Therefore, there is nobody at home to look after the wife of the petitioner. Hence, it is argued that the petitioner may be granted interim bail for a period of six weeks.

4. On the other hand, learned State counsel has opposed the prayer of the petitioner on the ground that a huge quantity of heroin was recovered from the petitioner and co-accused in the presence of a Gazetted Officer. In terms of status report, which is available on record, he has submitted that as per medical report received from GGS Medical College and Hospital, Faridkot, the wife of the petitioner is found to have a pelvic mass. Her blood investigation reports were not suggestive that the same was malignant. Learned State counsel has further argued that the wife of the petitioner is not seriously ill and she can well be taken care of by her paternal family members. He has also expressed his apprehension that there are chances of the petitioner's absconding, if extended benefit of interim bail.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. On a perusal of the record, it reveals that the petitioner is in custody since 16.10.2023. He was named in the secret information and

2024:PHHC:096834



thereafter in the presence of a Gazetted Officer, the alleged recovery of contraband was effected from him and co-accused, which falls under commercial quantity. So far as the medical condition of his wife is concerned, nothing has been placed on record to show that she is seriously ill or the presence of the petitioner is highly required for her care. More so, his wife can be taken care of by her paternal family members. The apprehension expressed by learned State counsel that there are chances of the petitioner’s absconding can also not be stated to be unfounded. Keeping in view the aforesaid facts and circumstances of the case, this Court is of the considered opinion that no case has been made out for grant of interim bail to the petitioner. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

31.07.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>