



CRM-M-50395-2024

-1-

216

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50395-2024

Date of Decision:- 19.10.2024

Mohammad Julafkar alias Faruki

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Dr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J.

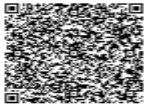
1. Petitioner – Mohammad Julafkar alias Faruki has filed second petition under Section 439 Cr.P.C. for grant of interim bail for a period of eight weeks for his own marriage. Present petitioner is involved in FIR No.109 dated 30.07.2023, under Section 22 of NDPS Act and Section 25 of Arms Act, 1959 (Section 29 of NDPS Act added later on), registered at Police Station City I Malerkotla, District Sangrur, Punjab (Annexure P-1).
2. It is pointed out that petitioner's marriage is fixed for 20.10.2024. Copy of Wedding Card is Annexure P-2. Panchayat Nama is Annexure P-3. His father has already expired. Copy of his Death Certificate is Annexure P-4. Present petitioner is in custody since 30.07.2023 and challan has been presented. Present petitioner will not misuse concession of interim bail, if granted, in his favour. Even earlier he was granted interim bail in CRM-

**CRM-M-50395-2024****-2-**

12451-2024 in CRM-M-50971-2023 for a period of eight weeks. Copy of order dated 02.04.2024 is Annexure P-5. He is ready to abide by the terms and conditions imposed by this Court. Therefore, he may be granted interim bail for eight weeks to perform his marriage.

3. Learned counsel representing State has filed status report confirming the fact that marriage of present petitioner is fixed for 20.10.2024 with daughter of Mohd. Irshad resident of Village Rohira, District Malerkotla. This fact is confirmed by ASI Gurdeep Singh, No. 1434/SGR, by verifying this fact from family members.

4. I have considered the petition for interim bail filed by present petitioner. He is seeking interim bail for eight weeks to perform his marriage. Copy of Invitation Card is Annexure P-2 and writing of Panchayat is Annexure P-3. In the case in hand, present petitioner is involved in FIR No. 109 dated 30.07.2023 under Sections 22, 29 of NDPS Act and Section 25 of Arms Act, 1959. It is a case of recovery of commercial quantity of contraband from present petitioner alongwith other co-accused and from possession of co-accused, .32 bore pistol was also recovered. Earlier, he had filed application for interim bail to attend marriage of his brother Mohd. Arshad and his application for interim bail was allowed vide order dated 02.04.2024 passed in CRM-12451-2024 in CRM-M-50971-2023 (Annexure P-5). Thereafter, he filed petition seeking regular bail which has been declined vide order dated 23.09.2024 passed in CRM-M-50971-2023 (Annexure P-6). Now, again he has filed present petition seeking interim bail for his own marriage. Custody certificate



CRM-M-50395-2024

-3-

placed on record indicates that present petitioner is in custody from 05.08.2023 onwards for recovery of contraband falling in commercial quantity under Sections 22 and 29 of NDPS Act alongwith other co-accused. It is surprising that marriage of petitioner is fixed for 20.10.2024, even though his regular bail has been declined by this Court. He is in custody for last more than one year except period of interim bail. Petitioner can not be permitted to misuse the process of law. Gravity of offence can not be overlooked.

Considering the aforesaid factual position, I do not find a fit case for grant of interim bail to petitioner Mohammad Julafkar alias Faruki and accordingly, petition filed by him is dismissed.

5. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

19.10.2024
lalit

(AMARJOT BHATTI)
JUDGE

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