

301/307

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56551-2024 (O&M)
Date of Decision : 04.03.2025

Parminder Singh Alias Cheena

Versus

State Of Punjab

.....Petitioner(s)

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R.K. Grewal Advocate and
Ms. Amardeep Kaur, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J. (Oral)

FIR No.	Dated	Police Station	Sections
98	28.5.2024	City Rajpura, District Patiala	22 NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. During the pendency of the bail petition, the petitioner has also filed an application i.e. CRM-8674-2025, seeking interim bail to the petitioner on account of marriage of brother of the petitioner, which is fixed from 5.3.2025 to 6.3.2025.
3. Counsel for the petitioner contends that the denial of interim bail would cause an irreversible injustice to the petitioner and family. Petitioner's counsel has no objection to imposing any stringent conditions in case of grant of interim bail.
4. In paragraph 9 of the petition, the petitioner states that he has no criminal antecedents.
5. In paragraph 5 of the application, it is mentioned that marriage of brother namely Harpreet Singh is fixed from 5.3.2025 to 6.3.2025 and being brother, he has to perform certain rituals.
6. While opposing the interim bail, the State's counsel, on instructions from SI Jarnail Singh, does not dispute the factum of the wedding of petitioner's brother, the grounds on which the petitioner is seeking interim bail.

REASONING:

7. A prisoner should not be ordinarily denied the opportunity of attending a significant family event merely because the immediate relatives, in addition to friends and the neighbors, have become accustomed to usually caring for the family members of a person under incarceration and the family is not dependant on the prisoner. The prisoner himself not only longs for presence, cooperation, support, and even financial help of the family but is also expected by the near and dears in return for their support towards his family to reciprocate by attending their sacrosanct family functions, despite such attendance carrying the risk of social boycott or dejection.
8. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, he shall be released on **interim bail w.e.f. 05.03.2025 to 10.03.2025** in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability, before any nearest Illaqa Magistrate
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. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. In return for the limited protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior. ***It is clarified that in case the petitioner does not mend his ways and repeats the offence or indulge in criminal behaviour, then in all future matters, the concerned courts shall keep it as a factor that this court had cautioned the petitioner to reform and live a normal lifebut did not mend his ways.***

12. The conditions mentioned above imposed by this court are to endeavour that the accused tries to reform, does not repeat the offence and to ensure the safety of the witnesses, victim, and their families. In Mohammed Zubair v. State of NCT of Delhi, Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

13. 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.

14. 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.

15. **The petitioner shall surrender in prison from where he was released, on or before 10.03.2025, by 3-00 p.m.**

16. The petition is allowed in the terms mentioned above. All pending application(s), if any, stand disposed of. Liberty is reserved for the petitioner to file a fresh petition after surrender, on same power of attorney, in accordance with law.

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.*

04.03.2025
AK

(ANOOP CHITKARA)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO