



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-62108-2024
Decided on : 24.07.2025

James Masih

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ruhani Chadha, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the regular bail petition, while granting interim bail on
26.03.2025, following order was passed:-

“1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.140 dated 09.10.2023 under Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25 and 27 of Arms Act and Sections 307 and 34 of IPC, registered at Police Station Jhabal, District Tarn Taran. Further prayer has been made for grant of interim bail for a period of 03 months as the father of the petitioner had fallen from stairs and is on ventilator and his condition is deteriorating day by day as per the medical certificate issued by Arora Hospital, Amritsar.

2. Considering the medical health of the father of the petitioner, on 24.12.2024, following order was passed:-

“Present: Mr. Ruhani Chadha, Advocate
for the petitioner.
Mr. S.S. Gill, Sr. DAG-cum-Public
Prosecutor, Punjab.

In the present petition for seeking regular bail alongwith interim bail on 16.12.2024, petitioner argued that his father is on ventilator and he is the sole male member in the family.

By recording the averment, petition was ordered to be listed before the vacation Bench on 23.12.2024, to enable the State of Punjab to file its status report. On 23.12.2024, co-ordinate Bench of this Court has passed the following order:

“Present: Mr. Ruhani Chadha, Advocate for



the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Present petition has been filed for grant of regular bail to the petitioner in case FIR No.140 dated 09.10.2023 under Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25 and 27 of Arms Act and Sections 307 and 34 of IPC, registered at Police Station Jhabal, District Tarn Taran. Further prayer has been made for grant of interim bail for a period of 03 months as the father of the petitioner had fallen from stairs and is on ventilator and his condition is deteriorating day by day as per the medical certificate issued by Arora Hospital, Amritsar. Learned counsel for the petitioner has submitted that the father of the petitioner is under serious medical condition who is admitted in Arora Hospital, Amritsar and hence, he has prayed for interim bail.

Learned State counsel has filed the short reply by way of affidavit of Mr. Kamalmeet Singh, P.P.S., Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran on behalf of the respondent State, in the Court today and same is taken on record. He, however, has submitted that the same could not be verified and prays for some time to verify the same.

To come up on 24.12.2024.

23.12.2024

(RAJESH BHARDWAJ)
JUDGE”

In response to the query posed by the co-ordinate Bench vide its order dated 23.12.2024, Mr. S.S. Gill, Sr. DAG, Punjab, on instructions from ASI Pargat Singh, submits that the contention of the petitioner is found to be correct and the father of the petitioner is seriously ill and hospitalized in Arora Hospital, G.T. Road Amritsar.

After hearing learned counsel for the parties, this Court deems it appropriate to consider the concession of interim bail to the petitioner on account of the fact that his father is seriously ill and hospitalized. The petitioner is directed to be released on interim bail for a period of eight weeks commencing from today i.e. 24.12.2024 on his furnishing bail/surety bonds to the satisfaction of concerned Area Magistrate/Chief Judicial Magistrate/Duty Magistrate. Petitioner shall surrender before the jail authorities on 24.02.2025.

List on 03.03.2025.

At this stage, on being pointed out by learned counsel for the petitioner about the averments made in paragraph No. 4 of the short reply by way of affidavit dated 22.12.2024, about addition of offence under Section 489 IPC, vide DDR No. 16 dated 26.03.2024, it is made clear that merely on the basis of addition of said offence, the concession of interim bail granted by this Court today, would not be denied to the petitioner by the Jail Authorities.”

4. *Status report dated 16.03.2025, in the shape of affidavit of Riputapan Singh Sandhu, PPS, Deputy Superintendent of Police,*



Sub-Division Tarn Taran, District Tarn Taran, along with custody certificate dated 25.03.2025, has been filed in Court today, same are taken on record.

5. *Learned State counsel refers to para-8 of the Status report and submits that father of the petitioner is found to be hospitalized. For reference, the same is reproduced hereunder:-*

“8. That on the receipt of order dated 03.03.2025 passed by this Hon'ble Court, ASI Karnail Singh approached Arora Hospital, Near Petrol Pump, G.T. Road, Chheharta, District Amritsar, where the father of the petitioner namely Yunas Masih is admitted and ASI Karnail Singh has sought the opinion with regard to the health of the father of petitioner namely Yunas Masih on 14.03.2025, in which the concerned Medical Officer Dr. Rakesh Arora, MBBS, DDM, FICM opined that "The patient Yunas Masih, age 60 yrs/M, S/O S. Khaira Masih, R/o Village Shah Shamas, Dhianpur, Distt. Gurdaspur brought in this Hospital on 13.03.2025 in critical condition with respiratory distress with Septicemia with Mal Nourished with Bed Sore. Past history of Head injury SDH with Hypertension after fall from Stairs, Ear Bleeding, Gas Breathing, Oedema Bilateral. The patient is still in the Hospital under Medical Observation." The true copy of opinion by the Doctor of Arora Hospital, Chheharta, District Amritsar is annexed herewith as Annexure R-1.”

6. *Counsel for the petitioner argues that petitioner is inside jail since 09.10.2023 and after completion of investigation, challan was submitted on 10.04.2024 and charges were framed on 22.05.2024, and till date, out of 13 prosecution witnesses 02 prosecution witnesses have already been examined.*

7. *Learned DAG Punjab, also points out that details furnished in para-7, wherein other cases are registered against the petitioners have been mentioned is reproduced hereunder:-*

Sr. No.	Detail of FIR	Under Section	Police Station	Status
1	FIR No.17 dated 25.02.2023	302/307/34 of IPC and 25 of Arms Act	Qila Lal Singh, District Gurdaspur	Under trial
2	FIR No. 11 dated 02.02.2024	21/22 of the NDPS Act	Qila Lal Singh, District Gurdaspur	Acquitted
3	FIR No.152 dated 12.12.2019	21/29 of the NDPS Act	Dhariwal, District Gurdaspur	Convicted

8. *Thus, being apprehensive, learned State counsel opposes the prayer for bail and submits that in case, petitioner is released on bail, he will flee from the clutches of the law, thus prays for dismissal of bail.*

9. *I have heard the arguments and considered the submissions addressed on behalf of both the parties.*

10. *In the present case, there is a recovery of about 350 grams of heroin from the box of the motorcycle, which was being*



driven by Jaskaran Singh and the petitioner was occupying the same being a pillion rider.

11. *Considering the facts recorded hereabove, petitioner is ordered to be released on interim bail till 19.07.2025, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.*

12. *The petitioner shall surrender before the authorities concerned on 19.07.2025.*

13. *List again to 24.07.2025.”*

2. Today, learned State counsel informs that in compliance to the direction issued by this Court, petitioner has failed to surrender back in Jail by 19.07.2025, and therefore, present petition is liable to be dismissed.

3. In view of the information furnished by the learned State counsel, the instant petition stands **dismissed**.

It is further made clear that in future, whenever any application/petition is filed in the present case, wherein the petitioner is an accused, the order passed today shall also be brought to the notice of the concerned Court.

(SANJAY VASHISTH)
JUDGE

July 24, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No