



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-43347 of 2025

Reserved On: 25.08.2025
Pronounced On: 27.08.2025

Ramandeep Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Monty Goyal, Advocate
for the petitioner(s).

Mr. K.D.Sachdeva, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. Vide FIR No. 71 dated 05.05.2025, a prosecution has been launched against the petitioner for the commission of offence punishable under Sections 21(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter referred to as "the NDPS Act". Since the petitioner is in custody in the above mentioned case, he is seeking interim bail on the ground of illness of his wife.

2. According to prosecution, the above mentioned FIR came into being in the backdrop of a chance recovery of contraband from the possession of accused. As per facts projected by the prosecution, on 05.05.2025, a police party headed by ASI Jaswinder Singh was on patrolling duty near Model Town Extension Block, when it spotted a person sitting on a black colour motorcycle. According to prosecution, the above said person was holding a black colour heavy waxed envelop and when he noticed that police party was there, he abruptly threw away the envelope. As per prosecution, on the basis of suspicion, he was apprehended and when the contents of envelope were checked, it was found that it was containing 350 grams of heroin.

3. Heard.

4. It has been contended by learned counsel for the petitioner that the petitioner has already undergone imprisonment for a period of three months 14 days and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner is the only adult male member in his family to look after his wife and that his wife is suffering from serious ailment i.e. "uterus fibroids". It has further been contended that as per medical advice, given to the wife of the petitioner, she has to undergo surgery and that there is no one in the family to take care of the wife of the petitioner. Hence, the request for the benefit of interim bail.

5. Per contra, learned State counsel argues that the offence for which the petitioner is being prosecuted is serious in nature, as he was found in possession 350 grams of heroin which is a commercial quantity. As per learned State counsel, the provisions of Section 37 of the NDPS Act are applicable in the present case. However, during the course of arguments, it has not been disputed by learned State counsel that the petitioner is the only male member in his family to take care of his wife and that it has been verified by the Investigating Officer that wife of the petitioner is actually ill and recommended for surgery.

6. The record has been perused carefully.

7. A perusal of the record shows that the medical treatment record of the wife of the petitioner, namely Sunaina, with effect from 14.03.2025 till 20.07.2025 has been placed on record and in the prescription slip dated 20.07.2025, the doctor has recommended for surgery of the wife of petitioner, at the earliest.

8. Here it shall not be out of place to mention that the custody certificate shows that the petitioner has no criminal antecedents and there is nothing on record to show that if released on interim bail, there are chances of misuse of same by the petitioner. It is also relevant to note here that all the witnesses in the present case are official witnesses and there is no chance of influencing them by the petitioner.

9. In view of cumulative effect of all the aforementioned factors, the present petition deserves to be allowed. Hence, the same is hereby allowed and the petitioner is admitted to interim bail for a period of one month in the instant cases, subject to the condition of furnishing bail bonds

to the satisfaction of the learned trial Court. In case, the learned trial Court concerned is not available on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court. In view of fact situation of this case, the interim bail accorded to the petitioner is restricted for a period of one month only. The petitioner is directed to surrender before the learned trial Court on the 31st day of the date of release from custody.

10. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

August 27, 2025

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No