

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.3249 of 2023

Date of Decision : 24.01.2024

Ramesh Petitioner

Versus

State of Himachal Pradesh Respondent

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Vacation Judge

*Whether approved for reporting?*¹

For the petitioner : Ms. Anita, Advocate, vice Mr. Kulwant Singh Gill, Advocate.

For the respondent : Mr. Rajan Kahol & Mr. B.C. Verma, Additional Advocates General and Ms. Seema Sharma, Deputy Advocate General.

ASI Gian Singh, Police Station, Shillai, District Sirmour, H.P., is present alongwith record.

Bipin Chander Negi, Vacation Judge (oral)

Prayer in the present petition has been made for release of the petitioner on interim bail for a period of ten days to enable him to look after his ailing wife.

2. In FIR No.65 of 2022 dated 07.08.2022, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station, Shillai, District Sirmour, petitioner has been accused of possessing commercial quantity of contraband.

3. The ground urged for interim bail is that the wife of the petitioner is suffering from serious ailment like Tuberculosis (TB) and Harnia and as

1 Whether reporters of Local Papers may be allowed to see the judgment?

per prescription slip she has to be operated for Harnia. Further, it has been alleged that the wife of the petitioner is a lonely lady with two minor children at home. Besides the aforesaid, for operating upon the petitioner's wife, requisite necessary consent of the petitioner is also required. The petitioner is anxious and stressed on account of ill-health of his wife. He wants to make requisite necessary arrangements for getting his wife treated and it is on these aforesaid grounds that interim bail is required.

4. In terms of the previous order dated 19.01.2024, status report has been filed by the respondent/State. The same is taken on record, copy whereof, has been supplied to learned counsel appearing for the petitioner. Alongwith the status report so filed, an appropriate Certificate issued by the Senior Resident, Department of General Surgery, Dr. YSPGMC Nahan, District Sirmour, H.P., has been appended. As per the same, surgical intervention for treating Harnia is the only option available. However, before the wife of the petitioner can be surgically treated, requisite necessary investigations have to be done.

5. Hence in view of the aforesaid, it is evident that surgery as advised in terms of Annexure P-1 appended alongwith the petition is the only recourse available. Other than the aforesaid, there is no one else in the family of the petitioner who can take care of the ailing wife of the petitioner. Besides, husband and wife, i.e., petitioner and his wife, there are only two minor children.

6. Keeping in view the above facts, I am inclined to grant interim bail to the petitioner for a period of ten days commencing from 29.01.2024 and ending on 07.02.2024 by 4:00 p.m. The petition, therefore, is allowed and the petitioner is ordered to be released on interim bail in the above mentioned FIR for a period of ten days, subject to his furnishing personal bond in the sum of Rs.2,00,000/-with one local surety in the like amount to the satisfaction of the learned trial Court or any Sessions Judge/Additional Sessions Judge having jurisdiction over the concerned Police Station. Petitioner shall surrender before the concerned jail on or before 07.02.2024 by 4.00 p.m. The bail is being granted subject to the following conditions:-

- (i) ***Petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever;***
- (ii) ***Petitioner shall not make any inducement, threat or promise, directly or indirectly, to the Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer;***
- (iii) ***Petitioner will not leave India.***
- (iv) ***Petitioner shall inform the Station House Officer of the concerned Police Station about his place of residence during bail. Any change in the same shall also be communicated promptly. Petitioner shall furnish details of his Aadhar Card, Telephone Number, Mobile number, E-mail address, PAN Card, Bank Account Number, if any, to the Station House Officer.***
- (v) ***Petitioner shall report at Police Station, Shillai/ Sadar Nahan, District Sirmour every alternate day at 11:00 a.m. during the interim bail period.***
- (vi) ***Petitioner shall surrender himself before the concerned jail authorities after completion of ten days interim bail and under no circumstances later than 07.02.2024 by 4.00 p.m.***

7. It is clarified that the interim bail is being granted in the projected facts of the case and will have no bearing on the merits of the matter.
8. The petition stands disposed of in the above terms, so also the pending miscellaneous applications, if any.
9. A copy of this order be sent to the Superintendent, Model Central Jail, Nahan, District Sirmour and the learned trial Court by FASTER.
10. A downloaded copy of this order shall be accepted by the learned trial Court while accepting the bail bonds from the petitioner and, in case, the said Court intends to ascertain the veracity of the downloaded copy of the order presented to it, the same may be ascertained from the official website of this Court.

(Bipin Chander Negi)
Vacation Judge

Digitally signed by
VANDNA SHARMA
Date: 2024.01.24
17:48:12 IST