

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

**CRM-M-11195-2018
Date of decision:3.4.2018**

Darshan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab
for the sole respondent.

MAHABIR SINGH SINDHU, J. (ORAL)

This petition has been filed by the petitioner under Section 439 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of regular bail in case FIR No.328 dated 16.10.2016 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('Act' – for short) registered at Police Station City Barnala, District Barnala.

It is contended by learned counsel for the petitioner that as per allegations of the prosecution, the petitioner was found in possession of 6800 intoxicant tablets of Alprax and Tradol on 16.10.2016 and he is not disputing the recovery, but his contention is that since the petitioner is

70 years of age and practising as Homeopathic Practitioner under the Homeopathic Practitioners Act, 1965 ("Act of 1965" - for short), and appended the certificate of registration issued by Council of Homeopathic System of Medicine, Punjab under the Act of 1965 (P-3). It is further contended that the petitioner is very old aged sick man and he cannot even move at his own.

Learned State counsel has opposed the contention of learned counsel for the petitioner and prayed for dismissal of the bail application.

Heard both sides.

Perusal of paper-book reveals that regarding health condition of the petitioner, report was called by learned Special Court from the office of Superintendent, District Jail, Barnala, wherein it was found that the petitioner is suffering from various ailments and he cannot walk without the help of walker and there is no indoor hospital or regular doctor in the jail and reference can be made to order dated 6.12.2016 (P-5).

In this case charges were framed on 6.3.2018 as stated by learned State counsel and prior thereto, the petitioner was on interim bail till receipt of FSL Report in terms of order dated 6.12.2016 and he never misused the concession of bail. Whether the petitioner is entitled for possession of alleged tablets being Homeopathic Practitioner or not, is debatable issue? The conclusion of trial is likely to take a long time and as such in view of poor health condition, no useful purpose would be served by keeping the petitioner behind the bars any more. Therefore, in

view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner-Darshan Singh be admitted to bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court.

(MAHABIR SINGH SINDHU)
JUDGE

3.4.2018
Gaurav Sorot

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |