

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

**CRM-M No.32057 of 2018
Date of decision : 05.09.2018**

Saraj

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J.

Learned State counsel has filed custody certificate in the Court today and the same is taken on record.

Petitioner Saraj has approached this Court by way of present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to him in case FIR No.111 dated 27.07.1996 under Sections 420, 468 and 471 of the Indian Penal Code, 1860 (for short – ‘IPC’) registered at Police Station Zira, Distt. Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case. The alleged occurrence is of 13.08.1991 but the FIR was registered on 27.07.1996. The delay of 5 years has not been explained. Learned counsel further submits that the petitioner was declared proclaimed offender on 17.04.1997 and was arrested on 13.03.2018. He has been residing on the given address for the last 50 years but no police officer/official came to arrest him in the case and he was

arrested only on 13.03.2018. He was not aware about the proceedings initiated against him. Learned counsel also submits that the petitioner is not only 80 years of age but he is also suffering from many ailments and is in custody for the last more than 5 and a half months. No purpose would be served by keeping him in custody.

Learned State counsel has not disputed the age of the petitioner and the period of custody undergone by him as well as the fact that FIR is of the year 1996 and the incident was of 13.08.1991.

Heard arguments of learned counsel for the petitioner as well as learned State counsel. I have also perused the contents of the FIR and other documents on the file.

The offence is triable by Magistrate. The petitioner has undergone custody of more than 5 and a half months and there is no other case pending against him. The FIR is of 1996 which was registered after a period of 5 years.

Accordingly, by considering the nature of the offence, the age of the petitioner and delay on the part of the investigating agency, the present petition is allowed and petitioner Saraj is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

05.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No