

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

**CRM-M No.4580 of 2020 (O&M)
Date of decision:17.03.2020**

Swaran Singh @ Swarna Katta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

CRM-7972-2020

Prayer in the application is for placing on record Annexures P-7 and P-8. Application is allowed.

Annexures P-7 and P-8 are taken on record.

Main case.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.146, dated 29.06.2014 registered under Sections 21/22 of NDPS Act, 1985 at Police Station Gharinda, District Amritsar Rural.

Learned counsel for the petitioner has submitted that FIR under the NDPS Act was registered against the petitioner on the allegation that 100 grams of intoxicant powder containing Diphenoxylate Hydrochloride salt was recovered from a black polythene bag which the petitioner was carrying in his right hand. The petitioner was arrested on the spot. By order dated 19.07.2014, Annexure P-3, the petitioner was

granted interim bail till the receipt of the FSL report. Counsel further submits that the challan was submitted before the court on 17.08.2015 and since the contraband falls in the commercial category, the petitioner was called upon to surrender on 11.12.2015. However, since the grandson of the petitioner expired on 27.11.2015, as is apparent from the death certificate, Annexure P-7, the petitioner did not surrender before the trial Court. The petitioner was declared a Proclaimed Offender on 10.05.2016. He eventually surrendered before the trial Court on 03.12.2019. Counsel has argued that the petitioner is suffering from various age related ailments and has referred to the OPD card of Sri Guru Amar Dass, Hospital, (Annexure P-8). His further contention is that the petitioner is more than 92 years of age and he has referred to Adhar Card, Annexure P-4.

Learned State counsel upon instructions of ASI Sakatar Singh has submitted that supplementary challan was filed on 17.12.2019 and the charges were framed on 17.12.2019. As per his instructions, the trial is now fixed for 17.03.2020 and out of 10 prosecution witnesses, two witnesses have been examined. Upon instructions, learned State counsel has verified the age of the petitioner.

Heard.

Admittedly, the petitioner is more than 92 years of age and he is behind bars after surrender since 03.12.2019 and has undergone a total period of 4 ½ months in custody. Considering the fact that the petitioner is more than 92 years of age and is behind bars for about 4½ months and the trial is likely to take sometime to conclude, no useful purpose will be served by keeping the petitioner behind bars any further. Without

commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

17.03.2020
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes

Whether Reportable : No