

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

**CRM-M-11237-2021
Date of Decision : 16.03.2021**

Subhash Chander @ Bassi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.153 dated 07.09.2020 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Chamkaur Sahib, District Rupnagar, Punjab.

Learned senior counsel for the petitioner submits that the petitioner is aged about 72 years and as on today, he is not facing any trial under the NDPS Act.

Learned senior counsel for the petitioner further submits that as per allegations in the FIR, the police received a secret information that two persons, i.e. Kuldeep Singh and petitioner Subhash Chander @ Bassi, are coming in a car which is driven by co-accused Kupdeep Singh and they are indulged in the

business of selling narcotic substances and they are carrying opium in the dicky (trunk) of the car. On this, the police party stopped the said car and on suspicion, apprehended both the accused and after giving notice under Section 50 of the NDPS Act, recovered 05 kgs 900 grams of opium from the dicky (trunk) of the car.

Learned senior counsel for the petitioner further submits that the said car does not belong to the petitioner and was driven by co-accused-Kuldeep Singh.

Learned senior counsel for the petitioner further submits that petitioner is an old aged person of about 72 years and is suffering from Asthma and Coronary Artery disease from 06.04.2017 and has also suffered Myocardial infarction, for which stenting was also done, which is a serious heart disease.

Learned senior counsel for the petitioner further submits that even in jail, the petitioner is getting the treatment of his heart disease from the hospital of District Jail, Ropar and relies upon the certificate issued by the Medical Officer, District Jail, Ropar (Annexure P-4).

Learned State counsel has filed the custody certificate in Court and as per the same, the petitioner is in judicial custody for the last about 06 months and 05 days and is not involved in any other case.

Learned State counsel further submits that the petitioner was earlier convicted in one more FIR, in which his appeal is pending.

Learned State counsel further submits that till date, charges have not been framed and there are total 16 prosecution witnesses.

I have heard learned counsel for the parties.

Without commenting on the merits of the case and considering the fact that the petitioner is aged about 72 years; he has an old history of serious

heart disease and also in view of the fact that it will take a long time in conclusion of the trial, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

16.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No