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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.19345 of 2021 (O&M)

Date of decision: 25.05.2021

Bachan Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.43 dated 02.04.2016, for offence punishable under Sections 15/18/21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') and 61/1/14 of the Excise Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Counsel for the petitioner has submitted that the allegations against the petitioner are identical to the co-accused Gurmeto @ Gurmit Kaur @ Nilli and others that they all are involved in the business of selling intoxicant substance. Counsel for the petitioner has relied upon the Aadhar Card that the petitioner was born on 01.06.1934 and at present, she is more than 87 years of age and is suffering from age related medical problems.

Counsel for the petitioner has further submitted that the co-

CASE HEARD THROUGH VIDEO CONFERENCING

accused of the petitioner namely Gurmeto @ Gurmit Kaur @ Nilli, has already been granted the concession of regular bail vide order dated 21.12.2020 passed in CRM-M No.3384 of 2020.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner did not appear before the trial Court after receiving the FSL report and she was re-arrested only on 28.01.2021.

Without commenting anything on merits of the case, considering the fact that the petitioner is a lady aged about 87 years; she is suffering from age related medical problems; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

25.05.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No