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

**CRM-M-26872-2021
Date of decision: 28.10.2021**

SHAKTI PARSHAD

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Suneet Singh Deol, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0181 dated 14.12.2001, registered under Sections 18/20/21/22/61/85 of the NDPS Act at Police Station Islamabad, District Amritsar, Punjab.

Learned counsel for the petitioner submits that the petitioner is an old aged person of 75 years and is suffering from age related medical problems.

Learned counsel for the petitioner further submits that the FIR pertains to the year 2001 and the petitioner was granted bail and faced the trial for a period of 04 years and in the intervening period he never absented and his earlier counsel told him that he has been acquitted and therefore, he did not turn up.

Learned counsel for the petitioner further submits that since the petitioner is residing in a remote area in Himachal Pradesh and he had no

information that later on, he has been declared as a proclaimed offender.

On merits, learned counsel for the petitioner submits that the petitioner was found in possession of 40 grams of *charas* and after his re-arrest on 10.03.2021, no substantive proceedings have taken place before the trial Court and it will take a long time in conclusion of the trial.

Learned State counsel does not dispute the factual position that petitioner after his re-arrest is in custody since 10.03.2021 and he is an old aged man aged about 75 years. It is also not disputed that petitioner is not involved in any other case, however, it is stated that the petitioner may again abscond from the proceedings as he remained absented for a period of 15 years.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that petitioner was earlier granted the concession of bail and faced the trial for about 04 years when he absented from the Court proceedings and also in view of the fact that he is not involved in any other case in the intervening period; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and two sureties to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned, out of which, one will be a local surety.

(ARVIND SINGH SANGWAN)
JUDGE

28.10.2021
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No