

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-12028-2015
Date of decision:18.05.2015

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.S.S.Rangi, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.64 dated 4.4.2013 registered under Sections 22, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Samrala, District Khanna.

Notice to the Advocate General, Punjab.

On the asking of Court, Ms.Anmol Grewal, AAG, Punjab, accepts notice.

Learned counsel for the petitioner submits that petitioner is inside the jail for the last about two years. There is no delay attributed to the petitioner in the slow pace of trial. The delay is being caused only by the investigating/prosecuting agency. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Harvinderjit Singh, Police Station, Samrala, submits that whatever delay has been caused in the trial that is because of non-receipt of report of chemical examiner. She further submits that out of total 10 prosecution witnesses, two have been examined and the next date before the learned trial Court is 28.5.2015. She also submits that now the trial will not take much time in its conclusion. She prays for dismissal of the petition.

Having heard the learned counsel for the parties, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given

fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said, because the investigating/prosecuting agency has been causing avoidable delay in the instant case. Only two prosecution witnesses have been examined, out of 10 prosecution witnesses. The prosecuting agency has taken a period of one year in examining two prosecution witnesses.

Without commenting anything further on the merits, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

18.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE