

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-12568 of 2015
Date of Decision : 28.4.2015

Gurmit SinghPetitioner

Vs.

State of PunjabRespondent

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CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Ms. Anupam Bhanot, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.

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

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in the FIR No.140 dated 11.6.2011 under Section 22 of the NDPS Act No.61 of 1985 registered at Police Station City, Tarn Taran.

Notice to Advocate General, Punjab.

On the asking of the court, Mr. D.S. Virk, AAG, Punjab, accepts notice.

Learned counsel for the petitioner submits that the petitioner is inside the jail for the last about 18 months. The recovery of alleged contraband from the petitioner is of non-commercial quantity. The FIR was of 2011 and the trial has not been concluded so far She prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Harvinder Pal Singh, Police Station City, Tarn Taran, submits that

trial could not be concluded because the petitioner remained proclaimed offender for quite some time. He further submits that now the trial is at the fag end because only one PW is left to be examined and the next date of hearing is tomorrow i.e. 29.4.2015. He prays for dismissal of the petition.

Having heard learned counsel for the parties and after going through the record of the case, this court is of the considered opinion that in the given fact situation of the present case noticed herein above, petitioner is not entitled for bail pending trial. It is so said because trial is about to conclude as only one PW is left to be examined and the next date of hearing before the learned trial court is 29.4.2015. So far as the alleged delay in the trial is concerned, it is the petitioner himself who is responsible for the same, because he remained proclaimed offender for quite some long time. No explanation is forthcoming from the petitioner, as to why he could not attend the court proceedings and remained proclaimed offender for so long.

In view of the above said totality of facts and circumstances of the cas, no case for bail pending trial is made out.

Dismissed.

28.4.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE