

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No.M- 12576 of 2015 (O&M)
Date of decision : 16.10.2015

Resham Lal

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Harsh Chopra, Advocate
for the petitioner.

Mr. P.S. Bajwa. D.A.G., Punjab.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 43 dated 17.04.2013, registered under Section 22 of the NDPS Act, Police Station Mahilpur, District Hoshiarpur.

Heard.

Learned counsel for the petitioner contends that the petitioner had been arrested on 17.04.2013 and was allowed bail but subsequently he was asked to surrender in the Court in the event, the application for analysis of the second sample was allowed. He urges that in ***Thana Singh Vs. Central Bureau of Narcotics 2013(2) SCC 590***, Hon'ble Apex Court was hearing a bail matter in which the Hon'ble Apex Court has dealt with the re-testing provision. The counsel also refers to ***Karan Kakkar Vs. State of U.T., Chandigarh 2014(4) RCR (Criminal) 159, Karu Lal Vs. State of Punjab in CRA No.2103/2013,***

decided on 16.12.2016 (Delhi) & Himalayan Cooperative Group Housing Society Vs. Balwan Singh 2015(3) RCR (Civil) 394 and urges that the second sample should not have been sent and bail should be allowed to the petitioner.

In the judgments referred to by the petitioner in ***Thana Singh's*** case (supra), the Bench was concerned as an accused was languishing in jail for more than 12 years awaiting the commencement of trial. He had been denied bail by the High Court. It had noted that the accused had undergone more than one half of the maximum sentence which was 20 years and considering the plight of the under trial, certain directions and guidelines were given.

What we are concerned here is whether bail should be allowed to the petitioner. This is not a revision against the order passed by the Court below. I find that the petitioner had filed a petition for quashing of the FIR but they allowed it to be dismissed for non-prosecution on 17.03.2015. It appears that the matter was not raised again.

The State counsel had informed that the prosecution had already closed its evidence and the case was fixed for statement under Section 313 Cr.P.C. While disposing of the bail application, Courts are not expected to comment on the merits of the case. Since the case is at the fag end, the application is dismissed. However, the trial Court is directed to expeditiously dispose of the trial by giving short adjournments.

**(ANITA CHAUDHRY)
JUDGE**

16.10.2015
sunil