

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

**Criminal Misc. No. M-13597 of 2015 (O&M)
Date of Decision: 20.5.2015**

Jatinder Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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 22/61/85 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, Mr. K.D.Sachdeva, Additional A.G. Punjab, accepts notice.

Learned counsel for the petitioner places reliance on the order dated 18.5.2015 passed by this Court in CRM-M-12028 of 2015 (Gurpreet Singh Vs. State of Punjab), whereby co-accused of the petitioner was granted the concession of bail pending trial. He further 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 Jagtar 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. He 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. He also submits that now the trial will not take much time in its conclusion. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, 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.

(RAMESHWAR SINGH MALIK)
JUDGE

20.5.2015
AK Sharma