

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

**CRM-M-20922 of 2015 (O&M)
Date of Decision: 9.7.2015**

Amarjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Avtar S. Khinda, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 47 dated 17.5.2010 under Sections 15/61/85 of the NDPS Act, registered at Police Station Subhanpur, District Kapurthala.

Notice to the Advocate General, Punjab.

On the asking of the Court, Mr. K.D.Sachdeva, Additional A.G. Punjab, accepts notice.

Learned counsel for the petitioner submits that trial is not making any headway in spite of the fact that a period of about 5 years has elapsed. He further submits that recovery was effected from the co-accused of the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from H.C. Bakshish Singh, submits that, during the course of trial, petitioner was declared proclaimed offender. Thereafter, he never surrendered before the court but was apprehended by the police after quite some time, which has caused delay in the trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the 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 not been found entitled for the concession of bail pending trial. It is so said, because delay in the trial cannot be attributed to the prosecuting agency alone, as the petitioner also remained proclaimed offender for quite some time.

In view of the above and without commenting any further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

9.7.2015
Ak Sharma