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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22762-2015
Date of decision: 25.08.2015

Mehtab Singh @ Tabo

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

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RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.45 dated 18.03.2013 under Sections 22, 61, 85 of NDPS Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that there are serious lacunae in the prosecution story put forth in the FIR. Petitioner is inside the jail for quite some time. Since the prosecution evidence is still going on, conclusion of trial will take long time. She prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Surinder Singh, Police Station Sadar Tarn Taran, District Tarn Taran, submits that so far as the delay in the trial is concerned, the same is attributable to the petitioner himself as he remained proclaimed offender for a long period of about seven months. He prays for dismissal of the present petition.

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High Court Chandigarh

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the given facts and circumstances of the case, petitioner has not been found entitled for bail pending trial. It is so said because it has gone undisputed on record that the petitioner remained proclaimed offender for a period of about seven months because of which the trial could not proceed. Had the petitioner not absconded, trial might have concluded by now.

In view of the above and without commenting anything further on merits 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

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