

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

**CRM-M-33986-2015**

**Date of decision: 05.11.2015**

**Wazir Singh @ Ziri**

**... Petitioner**

**Vs.**

**State of Punjab**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. A.S. Manaise, Advocate  
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Petitioner seeks bail pending trial in FIR No.56 dated 30.05.2014 under Sections 22, 61, 85 of NDPS Act, registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner submits that earlier petition bearing CRM-M-6702-2015 was withdrawn as far as on 09.03.2015. At that time, 02 PWs had been examined, out of total 06 PWs and thereafter, only 01 more PW has been examined during all these about 08 months. He further submits that the slow pace of trial shows that prosecuting agency is not interested in getting the trial concluded and on the other hand, petitioner is inside the jail for the last more than one year and five months. The recovery in the present case is that of non-commercial quantity. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that all the remaining 03 PWs have been summoned for the next date of hearing i.e.

17.11.2015 and trial would be concluded in the near future because of which the petitioner is not entitled for bail, at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the present case, petitioner has been found entitled for bail pending trial. It is so said because learned counsel for the petitioner has been found justified in contending that prosecuting agency does not seem to be interested in concluding its evidence. From 09.03.2015 till date, only 01 PW has been examined. No justification or explanation is forthcoming as to why the prosecution evidence could not be concluded so far.

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, petitioner cannot be made to suffer for the apparent laxity on the part of prosecution in leading its evidence. In this view of the matter, instant petition is allowed and the petitioner is directed to be released on bail pending trial on his/her furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

**[ RAMESHWAR SINGH MALIK ]**  
**JUDGE**

05.11.2015  
*vishnu*