

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

DATE OF DECISION : 31.3.2015

1. Criminal Misc. No.M-37720 of 2014 (O&M)

Amritpal Singh v. State of Punjab.

2. Criminal Misc. No.M-34899 of 2014 (O&M)

Ajay Kumar v. State of Punjab.

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri D.S.Sandhu, Advocate for the petitioner
(in Cr.M.No.M-37720 of 2014).

Shri Amit Jhanji, Advocate for the petitioner
(in Cr.M.No.M-34899 of 2014)

Shri Deepak Garg, A.A.G. Punjab.

MAHESH GROVER, J.

This order will dispose of Cr.M. Nos.M-37720 and 34899 of 2014.

Both the petitioners in these petitions named Amritpal Singh and Ajay Kumar were found in possession of 105 kgs. of poppy-husk along with another co-accused. They are in custody since 5.7.2014. One of the petitioners namely

Amritpal Singh is stated to be H.I.V. Positive and facing a precarious medical

condition. The report submitted by the respondents would indicate this fact of the said accused to be HIV Positive.

Learned counsel for the petitioner contends that the challan has still not been submitted despite extension sought by the respondents beyond the statutory period. He thus contends that taking into consideration the facts of incarceration since July, 2014 and the non-submission of challan, the petitioners are entitled to bail.

Upon consideration of the matter and noticing that though the petitioners are in custody since July, 2014, the respondents have failed to submit the challan so far despite the extension granted to them beyond the statutory period, I am of the view that the petitioners cannot be submitted to incarceration indefinitely. It is for the prosecution to act with promptitude to submit the challan before the Court.

Consequently, the petitions are accepted and the petitioners are directed to be enlarged on bail in terms of the provisions of Section 439 Cr.P.C. to the satisfaction of C.J.M., Mohali.

March 31, 2015
GD

(MAHESH GROVER)
JUDGE