

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

Decided on: January 27, 2015.

CRM-M-40942-2014 (O&M).

Sukhwinder Singh @ Sukha

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.K.S.Kahlon, Advocate,
for the petitioner.**

Mr.C.S.Brar, DAG., Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner having been found in possession of 440 gms., of intoxicating powder containing methamphetamine has been in custody since 30.5.2013. Three out of seven witnesses have already been examined. Petitioner is involved in another case of similar nature under the NDPS Act. The alleged quantity recovered is commercial quantity.

In view of said circumstances, provisions of Section 37 of the NDPS Act, do not permit the grant of bail to the petitioner.

Counsel for the petitioner has vehemently contended that there are glaring illegalities in the mode of recovery. The investigating officer himself cannot be a recovery witness and no option was given under Section 50 of the NDPS Act.

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All these pleas taken up by the petitioner may constitute good ground to seek acquittal at final stage. It will be premature to enter into the niceties of the trial.

Taking into consideration the period of detention suffered by the petitioner and the snail's pace at which the trial is being taken up, this petition is dismissed, at this stage, with liberty to the petitioner to raise all the legal and factual pleas taken up in this petition at opportune time. It is directed that the prosecution agency shall make earnest endeavour to produce the witnesses within a period of next four months and the trial Court shall conclude the trial within a period of five months after the next date of hearing. In case the trial is not concluded within the above said period, it will be open to the petitioner to approach this Court again.

January 27, 2015.
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(M.M.S. BEDI)
JUDGE