

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

CRM M-5041 of 2015

Date of Decision : November 06, 2015

Babita Devi

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Vinay Puri, Advocate

Mr. Vikram Bishnoi, Asstt. A.G., Punjab

T.P.S. MANN, J. (Oral)

After obtaining instructions from ASI Joginder Singh, learned State counsel has informed the Court that Inspector Parminder Singh appeared before the trial Court on 23.10.2015 but he could not be examined as the Presiding Officer was not holding the Court. On the adjourned date i.e. 31.10.2015, Inspector Parminder Singh could not appear as he was unwell and medically found to be unfit for duty for a period of 33 days i.e. from 29.10.2015 to 30.11.2015. The trial now stands adjourned to 13.11.2015. As regards DSP Gurmail Singh, who is presently in Canada, learned State counsel has apprised the Court that a number of formalities are required to be completed before he could be examined by way of Video Conferencing.

The petitioner is in custody since 26.8.2012 for being found in possession of 15 kgs and 20 grams of opium. The trial of the case is held up on account of non-examination of Inspector Parminder Singh and DSP Gurmail Singh.

The earlier petition filed by the petitioner for the grant of regular bail was dismissed on 12.5.2014. The petitioner has already undergone an actual period of more than three years and two months. As per the custody certificate already brought on the record, the petitioner, who is a woman, is not involved in any other case.

Taking into consideration the totality of the circumstances, this Court has no other option but to direct the prosecution to examine its entire evidence within a period of two months from the date of receipt of a certified copy of the order and in the event of the prosecution failing to do so, the petitioner can be directed to be released on bail on her furnishing personal bonds in the amount of Rs. 75,000/- with two surety bonds, one of which shall be local, in the like amount to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Ordered accordingly.

November 06, 2015
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(T.P.S. MANN)
JUDGE