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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11005-2016
Date of Decision : 05.04.2016

Sukhjinder Singh

.....Petitioner

versus

State of Punjab

....Respondent

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

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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

Learned counsel for the petitioner submits that the petitioner had been granted concession of interim bail during the period the report of Chemical Examiner was awaited. Petitioner is in custody with effect from 27.01.2016 after petitioner remained on interim bail for a period of 11/12 months. No witness has been examined after he was taken in custody on 27.01.2016.

The intoxicating powder, recovered from the petitioner, falls in the category of “commercial quantity”, as such, the provision of Section 37 of the NDPS Act, would be operative. However, no witness having been examined, striking a balance between the right of liberty of the petitioner and the right of the prosecution agency to secure the presence of the accused, during the course of trial, I deem it appropriate to dispose of this petition, at this stage, with a direction that trial Court shall make earnest endeavour to record the statements of all the prosecution witnesses within a period of five months from the next date of hearing. In case, the prosecution agency is not able to produce all the witnesses, within a period of five months, from the next date of hearing, on availing reasonable opportunity to produce the same, it will be open to the petitioner to approach this Court again for grant of regular bail.

(M.M.S. BEDI)
JUDGE

05.04.2016
Neha