

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.1103 of 2016

Date of Decision:-23.02.2016

Jasvir Singh @ Gora.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Munish Behl, Advocate for
Mr. Rajinder Singla, Advocate for the Petitioner.

Mr. R.S. Randhawa, Additional Advocate General, Punjab
assisted by ASI Balwinder Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Jasvir Singh @ Gora in case FIR No.38 dated 28.04.2013 for offences punishable under Sections 22, 61 & 85 of the NDPS Act registered with Police Station Boha, District Mansa.

There is a recovery of 100 vials of Rexcof Syrup each containing 100 ml.

Petitioner is stated to be in custody since 28.04.2013. The report of FSL was received on 14.11.2013. Challan was presented on 03.12.2013 and the charges were framed on 17.12.2013.

It is contended that there are six cited witnesses, who are

official and inspite of period of almost two years and nine months of custody, the evidence of the prosecution is still not over. Petitioner is stated to be not involved in any other criminal case.

Learned State Counsel assisted by ASI Balwinder Singh is unable to refute the factual position, however, states that only one witness out of the six witnesses remains to be examined and has been summoned for 17.03.2016.

No doubt the seized quantity is commercial in nature, however, keeping in view the total empathy shown by the prosecution to conclude the evidence of the six official witnesses in a space of almost two years and nine months, prayer for grant of regular bail is liable to be accepted.

Without going into the merits of the case, keeping in view the custody period and non conclusion of the prosecution evidence for such a long time, present petition is allowed and the petitioner Jasvir Singh @ Gora is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Mansa.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 23, 2016
Vinay