

CRM-M-18837-2016

Date of Decision : 04.08.2016

Tehal Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Bikramjit Aroua, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

The petitioner has been in custody with effect from 31.01.2015 and facing trial on the allegation of having been found in possession of 2 kg of heroin, carried in a bag on a tractor in the company of Narinder Singh from whom 3 kg of heroin was recovered. The driver of the tractor has been granted concession of bail.

Learned State counsel informs that till date no prosecution witness has been examined.

No doubt the custody of the petitioner for a period of more than one and a half year without any witness having been examined, is a matter of concern but at the same time, in view of provisions of Section 37 of the NDPS Act, he cannot be granted concession of bail at this stage.

Striking a balance between the right of the petitioner for speedy trial and corresponding rights of the prosecution agency to secure the availability of the petitioner at the time of the trial, I deem it

appropriate to dispose of this petition with a direction that the trial Court shall make earnest endeavour to conclude the trial within a period of six months by giving short dates for examination of prosecution witnesses and by giving a fair opportunity to the petitioner to produce defence evidence. It is ordered that in case the trial is not concluded within a period of six months after the next date of hearing i.e. 22.08.2016, the trial Court shall itself release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

(M.M.S. BEDI)
JUDGE

04.08.2016
Neha

Whether Speaking/Reasoned:	Yes/No
Whether Reportable:	Yes/No