

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

**Criminal Misc.No.M-28451 of 2016 (O&M)
Date of Decision : 21st November, 2016**

Balwinder Singh alias Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Narinder Singh, Advocate
for the petitioner.

Mr. K.S.Pannu, DAG, Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

Petitioner has preferred the instant petition under Section 439 Cr.P.C., seeking regular bail in case FIR No.40 dated 31.05.2014, registered at Police Station Bhikhi, District Mansa, under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985.

On 27.09.2016, this Court passed the following order:-

“Custody certificate by way of affidavit of Davinder Singh Randhawa, Superintendent, District Prison, Mansa has been filed. Same is taken on record.

Learned counsel for the petitioner states that the petitioner has been in custody for more than one year and one month and recovery is of 01 litre intoxicant liquid.

Learned State counsel, on instructions, states that since the five official witnesses remains to be examined, it would be appropriate to put a time cap on the trial and prays for an adjournment to place on record the affidavit of Senior

Criminal Misc.No.M-28451 of 2016 (O&M)

Superintendent of Police, Mansa to the effect that the prosecution will conclude its entire evidence within two months from today subject to the accused not obstructing the same.

Adjourned to 27.10.2016."

Learned State counsel states that affidavit has not been received. He further states that though the prosecution evidence cannot be concluded by 26.11.2016 yet the matter is fixed for 16.12.2016 and the prosecution will conclude its entire evidence on that date subject to the accused not obstructing the same.

In these circumstances, the instant petition is dismissed. However, the learned trial Court is directed to release the petitioner on bail on 16.12.2016, in case the prosecution does not conclude its entire evidence, subject to the accused not obstructing the same.

(AJAY TEWARI)
JUDGE

21st November, 2016
mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No