

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 29223 of 2016
Date of decision: 6.12.2016

Naib Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. PS Sekhon, Advocate.
Ms. Simsi Dhir, DAG, Punjab.

M.M.S.BEDI,J.

For having been found in possession of 45 bottles of Rexcof containing Codine Phosphate, the petitioner was arrested on 1.11.2014. During the awaiting period of report of FSL, he was granted interim bail on 2.1.2015. He enjoyed the said interim bail till 25.11.2015. The petitioner has been in custody since 25.11.2015. While disposing of the first petition for regular bail, he was given liberty to file fresh petition after six months.

This is a second petition for regular bail, filed by the petitioner claiming that till date only two prosecution witnesses have been examined. Striking a balance between the right of the petitioner for expeditious disposal of the trial and the right of the prosecution agency to have fair opportunity to produce the prosecution witnesses, I am of the view that there has been unreasonable delay in the examination of the prosecution witnesses. The petitioner has suffered detention for a total period of about 15 months, excluding the period of interim bail.

The petition is disposed of with a direction to the prosecution agency to produce the remaining witnesses within a period of three months after the next date of hearing. It is ordered that in case the trial is not concluded within a period of four months, the trial court shall release the petitioner on bail on his furnishing bail bonds/ surety bonds to its satisfaction.

December 6 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No