

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

CRM-M No. 30719 of 2016
Date of decision : December 08, 2016

Malkiat Singh @ Bittu

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR
No.108, dated 29.05.2014, registered under Section 22 of the NDPS Act,
at Police Station Patti, District Tarn Taran.

Custody certificate by way of affidavit of Kulwant Singh,
Officiating Superintendent, Central Jail, Amritsar has been filed.

Counsel for the petitioner has argued that apart from the
merits of the case, the petitioner has now been in custody for eight

months (wrongly mentioned as 1 year and 12 days in the custody certificate), and the recovery is 100 grams of intoxicating powder which is just above the commercial quantity and, therefore, should be released on bail.

Counsel for the respondent, on instructions from HC Satwant Singh, states that keeping in view the nature of the offence, instead of releasing the petitioner on bail, it would be appropriate to put a time cap on the trial since five witnesses who are all officials remain to be examined. She has stated that the prosecution will lead its entire evidence within two months subject to the accused not obstructing the same.

Keeping in view the statement of counsel for the respondent, I dismiss this petition at this stage but direct the trial Court to release the petitioner on bail in case the prosecution fails to conclude the evidence on or before 10.02.2017 subject to the accused not obstructing the same.

Copy of this order be sent to the SSP Tarn Taran forthwith.

December 08, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No