

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

(215)

CRM-M-35903-2015

Decided on: February 24, 2016.

Bhola Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr. Raj Kumar Gupta, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

The petitioner has been in custody w.e.f. 14.01.2014 for having been found in possession of 12 bags containing 40 kgs of poppy-husk each.

Taking into consideration the quantity of poppy-husk recovered from the petitioner being commercial quantity, the petitioner is not entitled for bail but at the same time he has got a constitutional right of expeditious disposal of the trial. The right of the petitioner for expeditious trial is apparently being violated as during the period of last two years and one month, the prosecution agency has been able to examine only one witness out of thirteen witnesses.

The petitioner had earlier approached this Court for grant of regular bail which had been dismissed on 26.08.2014.

Striking a balance between the right of the petitioner for expeditious trial and the right of the prosecution agency to ensure the presence of the petitioner for the purpose of trial, I deem it appropriate to

dispose of this petition with a direction that the prosecution agency will produce its entire evidence within a period of five months after the next date of hearing. The trial Court shall give short dates with gap of approximately fifteen days in two consecutive dates of hearing. In case, the prosecution agency does not complete the process of production of prosecution witnesses within the period of five months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

In case, the petitioner is found to be responsible for the delay in examination of witnesses, this order would be liable to be modified.

(M.M.S. BEDI)
JUDGE

February 24, 2016
harsha