

CRM-M-41144-2016

Date of Decision : 02.12.2016

Dalwinder Singh @ Billa

.....Petitioner

versus

State of Punjab

....Respondent

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

Mr. Jashanpreet Singh, AAG, Punjab.

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

For having been found in possession of 100 grams of intoxicating powder containing Diphenoxylate Hydrochloride (commercial quantity), the petitioner was arrested on 26.05.2015.

On account of non-receipt of the report of chemical examiner, he was granted interim bail on 23.07.2016 and was re-arrested on 02.11.2016.

Learned counsel for the petitioner submits that the petitioner has not misused the interim bail.

Taking into consideration the fact that the petitioner was found in possession of commercial quantity of Diphenoxylate Hydrochloride, in view of provisions of Section 37 of the NDPS Act, it will not be feasible to grant the concession of bail to the petitioner.

Learned counsel for the petitioner has referred to a number of irregularities during the course of investigation and inquiry. All these pleas would be available to the petitioner during the course of trial. Since the FIR was registered in May, 2015 and no evidence have been

recorded till date, I deem it appropriate to dispose of this petition with a direction to the trial Court to make an earnest endeavour to record the statements of the material witnesses expeditiously, and decide the case within a period of four months, after the next date of hearing, fixed before the trial Court. In case, for any reason, not attributable to the petitioner, the trial is not concluded within the aforesaid time frame, it will be open to the petitioner to file an application for bail which would be allowed by the trial Court.

(M.M.S. BEDI)
JUDGE

02.12.2016

Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No