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

CRM-M-42881-2015
Date of decision : 30.03.2016

Ashok Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

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

Present: Mr. B.S. Kathuria, Advocate for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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

Vide order dated 03.02.2016, a direction was issued to the prosecution agency and trial Court to record the statements of the prosecution witnesses by following the provisions of Section 309 Cr.P.C by giving short dates. It appears that after the order dated 03.02.2016, the trial was fixed for 06.03.2016, 10.03.2016, 17.03.2016 and 28.03.2016. No witness appears to have been produced by the prosecution agency.

On instructions from ASI-Sapinder Singh, it has been argued by the State counsel that the witnesses were present on the dates fixed but the defence counsel being not available, the statements were not recorded.

I have gone through the uncertified copies of the orders, which indicate that the statements could not be recorded either for want of service of the prosecution witnesses or on account of non-production of accused by jail authorities.

It is case of recovery of commercial quantity of opium.

ASI-Sapinder Singh who is also the PW and recovery witness, is present in the Court and has assured that the remaining prosecution witnesses will be available before the Court for examination on the next date fixed.

Without expression of any opinion on merits, this bail application is dismissed taking into consideration the stage of the case. However, the trial Court is expected to conclude the trial expeditiously as the petitioner has been in custody from more than 2 years. In case the trial is not concluded within a period of two months, after the next date of hearing, the trial Court shall itself release the petitioner on bail on his furnishing bail bonds/surety bond to its satisfaction.

March 30, 2016
Ramandeep Singh

(M.M.S. BEDI)
JUDGE