

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

**CRM-M No.42961 of 2015 (O&M)
Date of Decision: 16.05.2016**

Davinder Singh @ Goldy

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Jagjit Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused-Davinder Singh @ Goldy in case FIR No.06 dated 26.04.2014, under Sections 21, 25, 29, 61/85 of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered with Police Station SSOC, District Amritsar.

As per the allegations, on 26.04.2014, petitioner/accused-Davinder Singh @ Goldy along with his co-accused/non-applicants Jagjit Singh @ Laddi, Kuldeep Singh @ Babbu and Harwinder Singh were apprehended travelling in a Innova vehicle bearing No.PB-14-C-7600. On search, 4 Kg. *Heroin* was recovered from accused Jagjit Singh; one pistol and 6 rounds along with 4 Kg. *Heroin* were recovered from accused Kuldeep Singh @ Babbu and 4 Kg. *Heroin* was recovered from accused Harwinder Singh. On search of *dicky* of said vehicle, 10 Kg. *heroin* was also recovered. The petitioner was found driving the Innova Car.

It is contended that the petitioner is in custody since 26.04.2014 i.e. more than two years and only 01 witness out of 13 cited prosecution witnesses has since been examined.

Learned Counsel for the petitioner submits that he would be satisfied if some time bound direction is issued for conclusion of the evidence of the official witnesses in the backdrop of the custody period of more than 2 years and non-involvement of the petitioner in any other case.

Learned State Counsel, assisted by ASI Jagjit Singh, does not refute the custody period, non-involvement of the petitioner in any other case, as also the stage of the trial. She also admits that most of the prosecution witnesses are official witnesses, however, states that the recovery is hugely commercial.

In the light of the aforesaid facts, the prayer on behalf of the petitioner for direction for concluding the testimony of the official PWs is found reasonable and liable to be accepted.

Keeping in view the seized quantity being commercial in nature, no case for grant of regular bail to the petitioner is made out.

Accordingly, the present petition is dismissed, however, keeping in view the custody period (of more than 2 years), it is directed that the Commissioner of Police, Amritsar would ensure the conclusion of testimony of the official prosecution witnesses within four months from the next date of hearing fixed before the trial Court. The Officer concerned would ensure the communication of this order to the quarter concerned.

May 16, 2016
Gagan

(JASWANT SINGH)
JUDGE