

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

CRM-M No. 43992 of 2015 (O&M)

Date of Decision: 31.03.2016

Satwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Lajpat Sharma, Advocate for
Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by HC Amrik Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 Cr.P.C. on behalf of the accused/petitioner-Satwinder Singh is for grant of regular bail in case FIR No. 176, dated 17.10.2013, for offences punishable under Sections 22, 61, 85 of NDPS Act, Section 25 of Arms Act and Sections 379/411 of the Indian Penal Code, registered at Police Station Sirhind, District Fatehgarh Sahib.

The petitioner was apprehended with 400 grams of powder containing *Diphenoxylate* salt, which quantity is commercial in nature.

Keeping in view almost two years and three and half months of custody of the petitioner and the fact that only seven official witnesses remained to be examined, on the previous date of hearing dated 28.01.2016, an order was passed for concluding the entire prosecution evidence before the date fixed before this Court i.e. 31.03.2016. It was also ordered, failing which, SSP concerned, would be personally present in Court.

At the time of hearing today, learned State Counsel assisted by HC Amrik Singh, submits that neither the evidence of the prosecution stands concluded nor the SSP concerned has come present in Court.

In view of the laxity on the part of prosecution, coupled with delay in concluding the trial, this Court is constrained to accept the prayer of the petitioner/accused for grant of regular bail, more so, it is conceded that the petitioner is not involved in any other case under NDPS Act.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

March 31, 2016

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**(JASWANT SINGH)
JUDGE**