

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

**CRM-M No.4500 of 2016 (O&M)
Date of Decision: 25.02.2016**

Sukhmander Singh @ Mander

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kunal Siag, Advocate for the petitioner.

Mr. R.S.Randhawa, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Mewa Singh.

JASWANT SINGH, J. (Oral)

Present 5th petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner-Sukhmander Singh @ Mander in case FIR No.112 dated 10.11.2012 for the offences punishable under Sections 15/25/60/61/85 of the Narcotic Drugs and Psychotropic Substances Act, registered with Police Station Sadar Mansa, District Mansa (**Annexure P-1**).

The petitioner-Sukhmander Singh @ Mander was apprehended while driving a Car and there were two non-applicants/co-accused ladies, namely, Melo Kaur and Baljit Kaur were occupants in the said Car, sitting in the rear seat. Three bags of 27 Kgs. each of *poppy husk* were recovered from the *dikki* of the Car, front seat and the rear seat.

It is contended that the petitioner is in custody since 10.11.2012 and yet the trial has not been concluded although only 07 official witnesses were to be examined by the prosecution.

Learned State Counsel, assisted by HC Mewa Singh, submits that although the evidence of the prosecution was completed, however, an

application for recalling of the witness, who is the owner of the vehicle, has been moved to seek clarification on certain aspects.

From the facts of the present case, it is apparent that the prosecution has culpably delayed the concluding testimony of 07 cited official witnesses. The delay as such would entitle the petitioner to be enlarged on bail, however, keeping in view the bar of Section 37 of the NDPS Act, it is deemed appropriate to dispose of the present petition with a direction to the trial Court to conclude the trial positively within two months from the next date of hearing.

Disposed of with the aforesaid directions.

February 25, 2016

Gagan

(JASWANT SINGH)

JUDGE