

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-583-2016 (O&M).
Decided on: August 23,2016.

Barinder Pal Singh @ Kaku

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

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

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PRESENT Mr.Gurbir Singh Toor, Advocate, for the petitioner.
Ms.Simsi Dhir Malhotra, DAG., Punjab.

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

The petitioner has been in custody w.e.f. 6.9.2014, for having been found in possession of 300 intoxicating tablets containing carisoprodol and 25 bottles of Rexcof containing codeine phosphate. Petitioner was driving motorcycle when the bag containing contraband was held by co-accused riding pillion.

On asking of the Court, it has been informed that out of 24 witnesses only 12 witnesses have been examined though the petitioner has been in custody w.e.f. 6.9.2014. The trial in the present case is going at a slow pace which is certainly a matter of concern.

In view of commercial quantity of codeine phosphate having been recovered from the petitioner, he cannot be granted the concession of bail under Section 37 of the NDPS Act, but since the delay in conclusion of trial has caused a serious prejudice to the petitioner, striking a balance between the right of liberty of the petitioner and right of the prosecution agency to secure presence of the petitioner till the conclusion of the trial, this petition is disposed of with a direction that the prosecution agency would conclude the production of evidence within a period of 5 months after the next date of hearing fixed before the trial Court. The trial Court shall ensure that short dates are given for recording the statements of the witnesses and sufficient opportunity is granted to the petitioner to produce the defence evidence. In case the trial is not concluded within the period of six months after the next date of hearing, the trial Court shall release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction, after the expiry of said period.

(M.M.S. BEDI)
JUDGE

August 23, 2016.

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