

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6339 of 2016
Date of Decision: 23.08.2016

ROSHANDEEP SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Satbir Gill, Advocate
for the petitioner.

Mr. Ajay Singh Yadav, A.A.G., Haryana.

RAJ MOHAN SINGH, J

[1]. Petitioner has filed the present petition as a fourth attempt to seek indulgence of this Court for grant of regular bail in an offence under Section 15/16/27-A and 8(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act), under Section 25 of the Arms Act, 1959 and under Section 468/471 IPC.

[2]. Petitioner along with Jaswinder Singh and Jeeta Singh was allegedly involved in the smuggling of poppy husk. Poppy straw weighing 300 kgs. was recovered from the petitioner. Search was carried out in the presence of DSP/Gazetted

Officer. Total bags found in the vehicle were 15 in number in which poppy straw was found contained. Each bag was weighing 20 kgs. Three live cartridges of .12 bore were also recovered from the petitioner besides a mobile and currency notes of Rs.3900/-.

[3]. FIR was registered on 13.08.2013. After submission of challan some of the witnesses were also examined. There remained a contradictory stand of the State in terms of examination of witnesses and total number of witnesses to be examined in this case at different occasions.

[4]. On 29.04.2015, when second petition of the petitioner was declined, stand of the State counsel on instructions from the Investigating Officer was that out of total witnesses i.e. 12 in number, 4 witnesses had already been examined. In the third attempt, bail was rejected on 06.11.2015. The person who ran away from the spot had already been arrested by the Police. This Court rejected the bail in view of the fact that delay was not solely attributable to the prosecution in view of the fact that one of the accused remained a proclaimed offender for some time.

[5]. Vide order dated 23.07.2016, status report of the case was called from the trial Court. As per the information received from the trial Court, three prosecution witnesses were examined

and, thereafter supplementary challan of accused Jaswinder Singh (earlier declared as proclaimed offender) was presented and charges were re-framed on 04.03.2016.

[6]. Learned counsel for the petitioner vehemently contended that other co-accused have been released on bail and the petitioner is entitled to regular bail in view of **Dalip Singh @ Deepa Vs. State of Punjab, 2010(2) RCR (Crl.) 566** as the delay in prosecuting the case is not attributable to the petitioner.

[7]. At this stage, this Court is not in a position to appreciate whether the delay is solely attributable to the petitioner or otherwise, however while dismissing this petition at this stage, liberty is granted to the petitioner to redress his grievance before the trial Court by referring to the conduct of the concerned party with reference to material on record.

[8]. In case such an application is moved by the petitioner, the same shall be disposed of in accordance with law.

August 23, 2016

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No