

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207

CRM-M-15760-2017

Decided on : 30.05.2017

Surayia

..... Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.K. Singla, Advocate, for the petitioner(s).

Mr.K.S.Sidhu, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through this petition filed under Section 439 Cr.P.C., the petitioner seeks the concession of regular bail in FIR No.12, dated 18.01.2008, registered under Sections 15, 61 and 85 of the NDPS Act, at Police Station Boha, District Mansa.

Seeking regular bail for the petitioner, learned counsel submits that the petitioner is a lady who is having a minor child with her in the jail; the alleged recovery from her is only 52 kgs of poppy husk which is marginally higher than the prescribed commercial quantity and that there is no other criminal case in which she is involved.

Learned State counsel opposes the grant of bail on the ground that the petitioner's antecedents do not warrant the grant of regular bail to her; she is a resident of Madhya Pradesh; on 01.10.2011 she was declared a proclaimed offender and could be arrested only on 20.12.2016.

Learned State counsel, on instructions from ASI Kulwant Singh, undertakes that the State shall conclude its entire evidence within six months from the date next fixed before the trial court.

The petitioner's antecedents, in my opinion, do not warrant the grant of regular bail to her as she had absconded from the trial for 5½ years. However, keeping in view the fact that she is a lady and is having a minor child in the jail, I am of the opinion that the ends of justice would be met if the State is directed to conclude its entire evidence within five months from the date next fixed before the trial court.

The trial court is requested to take every possible step to see that the trial is concluded expeditiously but not later than six months from the date next fixed before it.

Disposed off accordingly.

It is clarified that in case the afore deadlines are not met either by the prosecution or by the trial court, not only would the petitioner be entitled to revive her prayer for regular bail by filing a fresh petition, a report from the trial court would also be sought by the Registry seeking therein the cause of delay in trial beyond six months from the date next fixed before the trial court.

30.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No