

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

CRM-M-37918 of 2016 (O&M)

Date of decision: 22.02.2017

Ranjit Singh @ Jeona

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sarbjit Singh, Advocate for the petitioner.

Ms. Shivali, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 57 dated 04.06.2014, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Tarsika, Amritsar (Rural).

Learned counsel for the petitioner contends that the recovery was not effected from the conscious possession of the petitioner. The petitioner was released on interim bail on 31.07.2014 on account of non receipt of the report of chemical examiner and after the receipt of same, the petitioner surrendered before the competent Court on 29.04.2016. The learned counsel also brought on record the zimni orders passed by the trial Court to contend that the

prosecution witnesses, namely, PWs ASI Harjit Singh and HC Tejinder Singh, are not coming forward despiteailable warrants having been issued to secure their presence by the learned trial Court, vide order dated 12.08.2016. The zimni orders are taken on record as Mark 'A'. The petitioner did not misuse the concession of interim bail earlier granted.

On the other hand, the learned State counsel opposes the prayer of bail.

I have heard learned counsel for the parties and perused the record.

Considering the custody period and after going through the zimni orders, the Court feels that the present petition deserves to be allowed as the petitioner cannot be kept in indefinite incarceration for inaction of the prosecution. Without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

22.02.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No