

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

CRM No.M-39952 of 2016 (O&M)

Date of decision:12.01.2017

Sodhi Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. T.P. Singh, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.49 dated 23.05.2015, under Sections 21 and 22 of the NDPS Act, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar.

As per prosecution version, the petitioner was apprehended and a recovery of 250 grams of intoxicating powder and 25 grams of heroin was effected.

As per FSL report, the seized contraband has been found to be containing alprazolam and which under the NDPS Act would be construed as commercial in nature.

Pleadings on record would reflect that co-accused, Baksho @ Mandeep Kaur has filed CRM-M-1872-2016 in this Court seeking benefit of regular bail and such petition was declined vide order dated 15.02.2016 but with the direction to the trial Court to positively conclude the trial within a period of three months from the date of passing of the order. The

Superintendent of Police concerned had also been directed to ensure the conclusion of the prosecution evidence within a period of two months.

The trial having not been concluded weighed with this Court and vide order dated 04.11.2016 passed in CRM-M-37072-2016, co-accused, Bakhsho @ Mandeep Kaur was granted benefit of bail.

In spite of categoric directions having been issued regarding conclusion of trial and that too, within a specified period of time, learned State counsel, who is on instructions from ASI Kirpal Singh apprises the Court that till date prosecution evidence has not concluded. This is in spite of the fact that the Superintendent of Police concerned had also been directed by this Court to ensure that all prosecution witnesses are produced before the trial Court. Needless to observe that the prosecution version hinges on witnesses cited and who are all official.

Under such circumstances, the instant petition is disposed of with a direction to the trial Court to finally conclude the trial by 30.03.2017. The prayer for regular bail is declined as of date. However, in case the trial is not concluded by 30.03.2017, the present petitioner would be enlarged on bail subject to satisfaction of the trial Court.

Disposed of.

12.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |