

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-39476 of 2017(O&M)
Date of Decision: 07.12.2017

Angrej Singh

--Petitioner

Versus

State of Punjab

--Respondents

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

Present:- Mr. R.S. Sidhu, Advocate for the petitioner.

Mr. Avinit Avasthi, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This is the fourth petition filed under Section 439 Cr.P.C preferred by the petitioner for grant of regular bail pending trial in FIR No.21 dated 3.3.2015 under sections 22, 61, 85 of N.D.P.S Act, registered at Police Station, Valtoha, District Tarn Taran.

Petitioner was arrested on 3.3.2015 and an alleged recovery of 260 grams of contraband is stated to have been effected. Petitioner remained in custody up to 6.5.2015 whereupon he was granted concession of interim bail to await the report of the Chemical Examiner. Report of the Chemical Examiner shows the salt of Alprazolam.

Petitioner, thereafter, surrendered and has now faced incarceration since 1.10.2015.

Even though, the alleged recovery effected from the petitioner would be construed as commercial in nature, yet, this Court is inclined to grant to the petitioner the concession of bail.

On the last date of hearing i.e. 15.11.2017 registry had been directed to procure a status report from the Trial Court as regards progress

of trial. Such directions were issued upon taking notice of a statement advanced by learned State counsel upon instructions from ASI Gurmej Singh that no prosecution witness as yet has been examined.

Status report dated 30.11.2017 from the learned Additional Sessions Judge, Tarn Taran stands placed on record and the same has been perused.

Perusal of the status report would reveal that challan in the present case was presented on 1.10.2015. Petitioner, who has been lodged at Kapurthala Jail, was not produced by the jail authorities on numerous dates i.e. 7.10.2015, 21.10.2016, 11.11.2016, 2.12.2016, 27.1.2017, 17.2.2017, 5.5.2017, 18.5.2017, 5.7.2017, 28.7.2017, 1.9.2017, 22.9.2017 and 16.11.2017 despite issuance of production warrants. Furthermore, eight prosecution witnesses have been cited and the prosecution has chosen to give-up prosecution witnesses namely H.C Jaswant Singh, ASI Baldev Raj, HC Balwinder Singh and HC Nirmal Singh. As of date only I.O of the case i.e. ASI Nirmal Singh has been partly examined on 30.11.2017.

Petitioner has faced incarceration for more than two years. The trial has not progressed. Same would take time to conclude.

The right of an accused to a fair and speedy trial cannot be over emphasized.

In the light of the peculiar facts noticed herein above and without making any observations on merits, petitioner is held entitled to the benefit of regular bail.

Accordingly, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Tarn Taran.

(TEJINDER SINGH DHINDSA)
JUDGE

07.12.2017

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