

Sr. No.201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-42092 of 2017 (O&M)

Date of Decision:16.11.2017

Gurjit Singh @ Jeeta

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Sahil Puri, Advocate,
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the third petition preferred by the petitioner under Section 439 Cr.P.C. seeking concession of regular bail pending trial in case FIR No.49 dated 26.06.2015, under Sections 22/61/85 of NDPS Act, registered at Police Station Begowal Kapurthala, District Kapurthala.

As per prosecution version, an alleged recovery of 167 grams contraband was effected from the petitioner. As per report of the Chemical Examiner, the same was found to be containing Alprazolam.

The alleged recovery effected from the petitioner would be construed as commercial in nature.

Petitioner was initially arrested on 27.06.2015 but was granted interim bail to await the report of the Chemical Examiner. Report having been received, petitioner has now faced incarceration since 09.12.2016.

Counsel has raised submissions as regards violation of the provisions of Section 42 and 50 of the NDPS Act.

In the light of the alleged recovery effected from the petitioner,

this Court is not inclined to accept the prayer made by the petitioner.

Submissions and contentions with regard to violation of provisions of the NDPS Act are kept open and to be considered by the trial Court. However, keeping in view the length of incarceration already suffered by the petitioner and against the backdrop of the status of trial furnished by State counsel inasmuch 5 prosecution witnesses having already been examined against 07 PWs cited, the instant petition is disposed of with a direction to the trial Court to conclude the trial proceedings within a period of 03 months from today.

Petition disposed of.

16.11.2017
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No