

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.209

CRM-M No.9518 of 2017

Wazir Singh

vs.

The State of Punjab

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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The present is the second application filed under Section 439 Cr.P.C., for seeking regular bail in FIR No.104, Dated 26.05.2014, registered under Section 22(61) of NDPS Act, 1985, at Police Station Sadar Jalalabad, District Fazilka.

In the aforesaid FIR, the petitioner was on regular bail but the same was cancelled as the petitioner failed to appear before the trial Court on one date. Accordingly, on the issuance of warrants against him, he was taken in custody.

The petitioner had earlier approached this Court for the grant of regular bail through **CRM-M No.46141 of 2016 – Wazir Singh vs. The State of Punjab**, which was dismissed on 27.01.2017, primarily on the statement made by learned State counsel that only one prosecution witness remained to be examined who would be examined on the next date before the trial Court which was stated to be 02.02.2017.

Considering the above submission/undertaking by the State, I dismissed the afore-referred bail application with a direction to the prosecution to examine the only remaining witness on the next date before the trial Court, which was stated to be 02.02.2017.

The present petition which is the second one has been filed by the petitioner for seeking regular bail on the ground that after dismissal of the afore-referred first petition, the date before the trial Court was not 02.02.2017 but 03.02.2017 on which date, as undertaken by the prosecution and as directed by this Court, the prosecution failed to examine

the only remaining witness who was Head Constable- Mukhtiar Singh. Such position continued even on the adjourned date i.e. 28.02.2017, forcing the case to be adjourned to 24.03.2017 on which date the above witness was examined. It has been further submitted that the alleged recovery effected from the petitioner fell under non-commercial quantity.

Due to non-compliance of the directions given by this Court on 27.01.2017, the petitioner has remained in jail for about 02 months without any fault on his part.

In view of the above changed circumstances especially when the order of this Court remained uncomplied with by the State, it is directed that the petitioner be admitted to regular bail.

Bail to the satisfaction of the trial Court.

In the peculiar facts of the case, directions are issued to the trial Court to conclude the trial within six weeks from the next date fixed before it.

For non-compliance of the order of this Court dated 27.01.2017, Mr. Navdeep Girdhar, District Attorney, Fazilka, is issued notice to explain as to why the direction given by this Court on 27.01.2017 was not complied with.

Mr. Neeraj Yadav, AAG, Punjab, accepts notice on behalf of Mr. Navdeep Girdhar.

List on 18.04.2017.

(DEEPAK SIBAL)
JUDGE

March 27, 2017

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