

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

CRM M-10621 of 2018.

Date of Decision: 20.03.2018.

Athar Saeed

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vipul Jindal, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab
assisted by ASI Bhupinder Singh.

JITENDRA CHAUHAN.J.(ORAL)

This is second bail application filed under Section 439 Cr.P.C seeking bail in case FIR No.02 dated 27.03.2016 registered under Sections 21 and 29 of NDPS Act at Police Station SSOC, District Amritsar.

Learned counsel for the petitioner contends that allegations against the petitioner are that 500 kgms of heroin along with unaccounted currency of Rs.17 lakh was recovered from the petitioner. The first bail application was dismissed on 28.02.2017. The challan was filed on 30.07.2016 whereas, the charges were framed on 21.11.2016. Learned counsel refers to Annexure P-4 (colly.) to contend that out of 16 prosecution witnesses, not a single witness so far has been examined, therefore, the petitioner has been deprived of expeditious trial.

On the other hand, the learned State counsel submits that co-accused, Sukhchain Singh is lodged in Jail in the State of

Jammu Kashmir. However, he fairly admits that none of the PWs so far has been examined. He states that no other FIR under the NDPS Act is pending against the petitioner. However, the petitioner is involved in FIR No. 290 registered under Sections 447 and 427 IPC at Police Station Darya Ganj, Delhi, the status of which is not available with the Punjab Police.

Heard.

Considering the fact that the petitioner is in custody since 27.03.2016; out of 16 prosecution witnesses, not a single PW has been examined, in the circumstances, the Court feels that there is a complete uncertainty with regard to completion of trial; the petitioner cannot be allowed to suffer for the inaction of the State so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing security of Rs.10 lakh in the shape of indemnity bonds and two local sureties of the same amount and subject to all other conditions as may be imposed by the trial Court/duty Magistrate concerned. The petitioner shall surrender his passport and shall not leave the country without the written permission of this Court.

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

20.03.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No