

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

**CRM-M No.13770 of 2018
Decided on: 18.08.2018**

Gurpreet Singh @ Moni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.83 dated 22.05.2017, for offence punishable under Section 22/61/85 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station City South Moga.

Learned counsel for the petitioner has submitted that the petitioner is not involved in any other case and he is in judicial custody since 23.05.2017.

Learned counsel for the petitioner has placed on record the photocopy of the interim orders passed by the trial Court to demonstrate that the prosecution witnesses, all of whom are government servants, are not appearing before the trial Court despite service of the summons.

It is further submitted that charges were framed against the petitioner

on 05.09.2017 and thereafter, on few dates, no prosecution witness was examined and on 11.12.2017, PW1 was examined. Thereafter, again on 02 dates of hearing, no witness of the prosecution was available and on 06.03.2018, the trial Court granted last opportunity to the prosecution to conclude the evidence by 09.04.2018. Thereafter, PW2 was examined on 09.04.2018 and bailable warrants were issued against other prosecution witnesses. On 02 subsequent dates again, only 01 prosecution witness was examined and the case is now fixed for 21.08.2018 for recording the statement of remaining PWs and as such, out of total 09 prosecution witnesses, only 03 PWs have been examined.

Learned counsel for the State has filed the Custody Certificate today in the Court and has not disputed the factual position. It is further submitted that as per the Custody Certificate, the petitioner has undergone 01 year, 02 months and 25 days of judicial custody and the case is still fixed for recording the prosecution evidence as noticed above.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody for a period of about 01 year and 03 months; the petitioner is not involved in any other case; 06 more prosecution witnesses are yet to be examined and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for

cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

18.08.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No