

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

**Criminal Misc. No. M-29428 of 2018
Date of decision: 25.09.2018**

Punjab Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Punjab Singh under Section 439 Cr.P.C. for grant of regular bail in case FIR No.157 dated 09.11.2014 registered under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Valtoha, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the place of occurrence nor any recovery was effected from him. The petitioner has been implicated in the case on the basis of disclosure statement made by co-accused, namely, Lakhbir Singh and the recovery has already been effected from said Lakhbir Singh. Learned counsel also submits that all the prosecution witnesses have been examined much earlier on 08.12.2017 and thereafter, there is no progress in the trial. The petitioner is in custody since 24.04.2015.

Learned State counsel on instructions from HC Lakhwinder Singh submits that three more cases including two cases of NDPS are pending against the petitioner.

As per custody certificate, in one case, the petitioner is on bail; in second case, he has been acquitted of the charge by the trial Court and third case is the present one.

In view of the submissions made by learned counsel for the petitioner and by considering that the petitioner is in custody since 24.04.2015; all the prosecution witnesses have been examined and delay is there on the part of the trial Court, which is not attributed to the petitioner and in two more cases, the petitioner is either on bail or has been acquitted by the trial Court, the present petition is allowed and petitioner, namely, Punjab Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, the trial Court is directed to proceed and conclude the trial expeditiously.

25.09.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No