

219.

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

CRM-M-48481-2018

Date of Decision: 14.12.2018

NIRMAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.040 dated 01.04.2017 registered under Section 22 of NDPS Act at Police Station Mehatpur, Jalandhar.

Learned counsel for the petitioner states that as per the FIR, 130 grams of Diphenoxilate Hydrochloride powder was recovered from the petitioner. He is in custody since 01.04.2017. The prosecution has not concluded their evidence and the case has been delayed on one pretext or the other. The court is required to ensure the presence of the witnesses. Even otherwise the son of the petitioner is not well.

Learned State counsel has filed custody certificate of the petitioner in court today, which is taken on record. He, on instruction from

ASI Nirmal Singh, states that apart from the present case, the petitioner is involved in two other cases i.e FIR No. 78 dated 23.05.2014 registered under Sections 15/61/85 of NDPS Act and FIR No. 194 dated 29.11.2016 registered under Sections 21/61/85 of NDPS Act at Police Station Mehatpur, Jalandhar. He further states that as against total 9 witnesses, the prosecution has already examined 3 witnesses and the State shall ensure examination of the other witnesses within a period of one month.

Considering the stage of trial, the prayer of the petitioner for grant of regular bail is hereby declined.

However, the trial Court shall ensure that the prosecution witnesses are examined preferably within a period of one month. In case, the prosecution fails to conclude the evidence within a period of one month, the petitioner shall be at liberty to file fresh petition seeking regular bail and the trial Court shall consider the same in accordance with law.

(HARI PAL VERMA)
JUDGE

December 14, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No