

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

CRM -M-9244 of 2018 (O&M)

Date of decision: 03.05.2018

Gurpreet Singh @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Sandhu, Advocate
for the petitioner.

Ms. Sudeepti Sharma, Addl. A.G., Punjab
assisted by ASI Raghbir Singh.

Jitendra Chauhan, J. (Oral)

This is fourth bail petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in FIR No. 12 dated 16.03.2015, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Bholath, District Kapurthala.

It is contended that despite the specific order dated 24.07.2017 of this Court, the trial has not been concluded so far. One PW, namely Parminder Singh still remains to be examined. The petitioner is in custody since 16.03.2015.

On the other hand, the learned State counsel opposes the bail petition, however, she admits the assertion raised on behalf of the petitioner.

Heard.

Vide order dated 27.03.2018, the trial Court was directed to send a report detailing the reasons for not complying with the order passed by this Court on 24.07.2017 whereby the trial Court was directed to conclude the trial expeditiously preferably within six months from the date of receipt of certified copy of the order. As per the response received, the trial Court even personally apprise the urgency to the Public Prosecutor. However, the response of the official/PW Inspector Parminder Singh has been said to be as very arrogant and offending. The said witness was stated to be deputed on law and order duty on 16.04.2018, 18.04.2018 and 21.04.2018. On 21.04.2018, DSP, Sub Division Shahkot sent an exemption application. Another request for an adjournment was made by aforesaid DSP and the case was adjourned to 24.04.2018 and freshailable warrants were issued against Inspector Parminder Singh which were received by the trial Court with a report that he has proceeded on 10 days leave. Thereafter, non-bailable warrants were issued against PW Parminder Singh for 05.05.2018 and his salary was ordered to be attached. The conduct of the official is not approvable. The callous attitude of the official to circumvent the orders of this Court cannot be ignored and the petitioner, who was earlier also involved in the NDPS Act case, stands acquitted and the judgment of acquittal has not been assailed by the State, prima facie, indicates some hostility on the part of the officials. For the inaction, dereliction of duty and incompetency of the State, the legal rights of the petitioner cannot be jeopardized.

Keeping in view the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court. He shall also surrender his passport, if any issued to him.

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

A copy of the order be sent to the Secretary Home, Government of Punjab to take action as per law against the erring officials, namely Inspector Parminder Singh and DSP Mukesh Kumar. The action take report be sent to the Registrar of this Court within three weeks from today.

03.05.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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