

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

CRM-M-4167-2019

Date of decision: February 05, 2019

Peter Ikechukwu Obijekwu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to petitioner-Peter Ikechukwu Obijekwu in case FIR No.07 dated 26.01.2018 registered for the offences punishable under Sections 21 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the Act") at Police Station Kot Dharmu, District Mansa.

Recovery effected from the petitioner of the psychotropic substances falls within the commercial quantity. The bail is sought solely on the ground that trial has been delayed.

It has been argued that petitioner is a citizen of Nigeria whereas all the proceedings have been conducted in Punjabi language and nothing has been explained to him in his language and that now trial is going on. Accordingly, there is violation of Section 50 as well as Section 42 of the Act.

I have considered the contentions made by learned counsel for the parties.

In this case, recovery effected from the petitioner is non-commercial quantity. It is a matter of fact whether petitioner is conversant with Punjabi language or not. In case, it is found that petitioner is not conversant with the Punjabi language then an interpreter may be appointed. In that eventuality, the fact with regard to preparation of consent under the provisions of Section 50 of the Act shall be taken into consideration.

However, no case is made out to grant the concession of regular bail at this stage.

Petition is dismissed accordingly.

However, learned trial court is directed to expedite the trial and conclude the same as early as possible preferably, within a period of five months from the date of receipt of certified copy of this order.

February 05, 2019
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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