

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

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CRM-M No. 12867 of 2019

Date of decision : 4.12.2019

Resham Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. M.S. Khaira, Senior Advocate with
Ms. Ritu Punj, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, Punjab

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 61 dated 20.5.2018, registered under Sections 18 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act) (Section 61 of the NDPS Act added later on) at Police Station Dhanaula, District Barnala.

It is contended by learned counsel for the petitioner that the petitioner has been wrongly involved in this case. Just to involve the petitioner in the false case, the police has concocted the recovery of 6 kg. of opium, by showing the petitioner in collusion with 5 more accused. The petitioner is in custody since 25.5.2018. The prosecution has not examined its witnesses, therefore, the trial is not proceeding at the right speed. Still further, on the previous date, two of the co-accused, who were granted bail by this Court, have absented from the proceedings. Hence, the trial Court has adjourned the case to await the arrest of the said accused. No effective proceedings are being

undertaken against the petitioner. Hence, the petitioner deserves to be admitted on bail.

On the other hand, learned State counsel, being instructed by ASI Ajaib Singh, submits that there has been huge recovery of opium from the petitioner. However, it is not disputed that the petitioner is in custody since 25.5.2018 and that on the previous date, two accused namely; Azidpur Rahman @ Lalbabu and Safikul Islam have absented.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

4.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No