S.No.210

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-13568 of 2019 (O&M)
Date of Decision:11.09.2019

Sukhwinder Singh @ Bittu **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Vijay K. Jindal, Advocate for the petitioner.
Ms. Amarjit Kaur Khurana, DAG,Punjab.

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Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C seeking bail pending trial in case FIR No.2 dated 03.01.2017 registered under Sections 21, 25, 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 at Police Station State Special Operation Cell, Amritsar.

Learned counsel for the petitioner has produced the zimni orders, to contend that charge in this case was framed on 19.07.2018. Thereafter, 15 dates have been fixed by the trial Court. However, upto 23.07.2019, only two witnesses have been produced by the prosecution. Therefore, it is submitted that the trial shall take a very long time to conclude. Hence, prayer is made for releasing the petitioner on bail pending trial.

On the other hand, learned State Counsel, on instructions from ASI Parminder Singh, submits that after 23.07.2019, the case was fixed for 27.08.2019. On 27.08.2019, four more witnesses have been examined. Now eleven witnesses are left to be examined by the prosecution. All the witnesses are official witnesses only. The next date of hearing fixed before the trial Court is 27.09.2019. Accordingly, it is submitted that all the

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prosecution witnesses shall be examined on the said date fixed before the trial Court, or at the best, on one more date to be fixed by the trial Court.

In view of the above, this Court does not find any ground to proceed further with the case so as to enlarge the petitioner on bail.

However, the grievance of the petitioner that he has been incarcerated for a long time; also appears to be justified. Since, the State itself has stated that it would examine all the prosecution witnesses on the next date fixed before the trial Court; or on one more date to be fixed by the said Court, therefore, it would not be unjustified if the prosecution is directed to conclude its evidence within a time bound frame.

In view of the above, the present petition is disposed of with a direction to the prosecution to conclude its entire evidence on 27.09.2019, or on the one date next to be fixed by the trial Court; which shall not be beyond 30.10.2019.

September 11, 2019 **(RAJBIR SEHRAWAT)**
renu **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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