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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32310-2018
Date of decision-02.04.2019

Jaswinder Singh @ Vicky

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Thakur, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab assisted by
ASI Monjit Gupta.

MANOJ BAJAJ, J.

Petitioner-Jaswinder Singh @ Vicky has prayed for grant of regular bail in case FIR No.144 dated 18.10.2017 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1981 registered at Police Station Sadar Phagwara, District Kapurthala. The petitioner is in custody since his arrest on 18.10.2017.

On 18.10.2017, when the Police party was on patrol duty, a motor-cycle was seen coming from Jalanhdar. The vehicle was stopped and after formalities, the search was conducted. A polythene bag was found which was hanging at the handle of motor-cycle bearing No.PB-08-CH-3109 and upon search 50 bottles of Avil injections and 10 strips of buprenorphine injection were recovered.

Learned counsel for the petitioner contends that the prosecution

has adopted lackadaisical approach as despite framing of charges, no witness has been examined. Learned counsel for the petitioner has produced the zimni orders whereby the matter is adjourned time and again for presence of the prosecution witnesses who are not appearing before the Court despite issuance ofailable warrants. Even the accused is not produced before the Court.

On the other hand, learned State counsel assisted by ASI Monjit Gupta opposed the bail application. It is not disputed that no witness has been examined so far and the petitioner is in custody since his arrest on 18.10.2017.

Considering the custody period of the petitioner and the pace at which the trial is progressing, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Kapurthala.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

02.04.2019

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