

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

CRM-M No.46333 of 2018
DATE OF DECISION : 5th SEPTEMBER, 2019

Pavittar Singh alias Babbu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. P. P. S. Duggal, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

The present second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.56 dated 12.03.2018 registered under Sections 21, 25, 29 of the Narcotics Drugs & Psychotropic Substances Act, 1985 at Police Station Sadar Tarn Taran, District Tarn Taran.

Counsel for the State submits that the charges have already been framed in this case and even 4 prosecution witnesses out of 15 witnesses, have already been examined. The next date of hearing fixed before the trial court is 17.09.2019. Still further, it is submitted that all the remaining witnesses are official witnesses only. Therefore, every efforts will be made to conclude the evidence of the prosecution within a period of three months.

In response to this, learned counsel for the petitioner submits that the petitioner is in custody since 12.03.2018. Despite that, even the charge could not be framed for about one year and four months. Even

now the evidence of the prosecution is proceeding at a very tardy speed. Therefore, the petitioner is being unnecessarily incarcerated. Hence, the petitioner deserves to be released on bail.

Keeping in view the fact that the prosecution evidence has already started and all the remaining witnesses are official witnesses only, qua which the State counsel has submitted that they will be examined within next three months, therefore, this court does not consider it appropriate to release the petitioner on bail, at this stage.

However, the grievance of the petitioner qua his incarceration is also justified. The petitioner cannot be kept in custody without any effective proceedings being undertaken against him, particularly, when he has already been in custody for such a long time. Therefore, certain coercive and pre-emptive directions have become imperative in this case, so as to ensure that the prosecution completes its evidence within a time bound frame.

Accordingly the present petition is disposed of with a direction to complete the prosecution evidence within a period of three months from today. It is further directed that if any one of the prosecution witness yet remains to be examined even after expiry of this period of three months, then the trial court shall issue arrest warrants against such witness. The Senior Superintendent of Police, Tarn Taran shall ensure that; in case such a warrant is issued by the trial court then; the said witness is taken into custody within one week from the date of issuance of the warrants of arrest. Such an arrested person shall be kept

in protective custody at District Jail, Tarn Taran; till his examination and cross-examination is completed.

5TH SEPTEMBER, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

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