

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

CRM-M-47748-2018

Date of Decision:17.01.2019

Harjit Singh @ Jeeta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Rajat Bansal, A.A.G.Punjab.

RAJBIR SEHRAWAT, J. (Oral)

This is the third petition for regular bail pending trial in case FIR No.8 dated 12.09.2017 registered under Sections 15, 61, 85 of NDPS act at Police Station Special Task Force, Phase-4, SAS Nagar, District SAS Nagar.

Learned counsel for the petitioner submitted that the petitioner has been in custody since 12.09.2017. However, despite that, only 6 witnesses have been examined out of total 13 witnesses. The case is falsely foisted upon the petitioner by the Investigating Officer; by picking him from his house. Since case is falsely created against the petitioner, therefore, the police are prolonging the trial as much as they can.

On the other hand, learned State counsel being instructed by ASI Harbhajan Singh submitted that no doubt only six witnesses have been examined so far, however, two witnesses out of the remaining witnesses have been summoned for 30.1.2019. Thus two witnesses shall be examined on 30.01.2019. Remaining witnesses shall also be examined on the date which shall be fixed by the trial Court after 30.01.2019. It is further

contended by the learned State counsel that there is no chance of false implication of the petitioner in the case, because recovery was effected from him in the presence of Superintendent of Police, STF, SAS Nagar, Mohali. It is further contended that recovery from the petitioner is of commercial quantity of poppy husk. Therefore, he is not entitled to bail pending trial.

Since the alleged recovery from the petitioner is commercial quantity, therefore, this Court does not consider it appropriate to release the petitioner on bail at this stage.

However, this Court find substance in the argument raised by the learned counsel for the petitioner that petitioner is unduly incarcerated in jail due to slackness of the police in examining the witnesses. Therefore, it would be appropriate if the prosecution are directed to complete their evidence within a reasonable time.

Accordingly, the present petition is dismissed. However, it is directed that the prosecution shall complete their evidence and examine all the witnesses by the date next to be fixed by the trial Court after 30.01.2019. As informed by the learned State counsel, two witnesses have already been summoned for 30.01.2019. Therefore, their examination shall be completed on that date. All the remaining witnesses would be produced by the prosecution on the next date to be fixed by the trial Court. In any case, the entire exercise shall be concluded by the prosecution by 28.02.2019.

17.01.2019
rajeev

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No