

S.No.203

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

CRM-M-49349 of 2019 (O&M)

Date of Decision:29.11.2019

Gurpreet Singh alias Peeta

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Gural Singh Sandhu, 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.71 dated 03.06.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned State Counsel, being instructed by ASI Jasbir Singh, submits that there is a heavy recovery of drugs in this case. Still further, it is submitted that the prosecution evidence has already been started. Out of 11 witnesses, two have already been examined. All the witnesses are only the Police officials. The date fixed before the trial Court is today itself. Some of the witnesses have already been summoned by the trial Court. In any case, the remaining witnesses shall be examined within two months from today.

However, counsel for the petitioner has submitted that the petitioner is being unnecessarily incarcerated since 21.07.2018. In this long duration, only two witnesses have been examined, despite the fact that all the witnesses are Police officials only.

Keeping in view the huge quantity of alleged recovery,

involved in this case, this Court does not intend to grant bail pending trial; to the petitioner, at this stage.

However, this Court also finds substance in the argument of the learned counsel for the petitioner that the petitioner is being unnecessarily incarcerated due to laxity of the prosecution. About one and half years have passed and only two witnesses have been examined; despite the fact that the petitioner is not responsible for any delay in the trial as such. The liberty of the petitioner cannot be jeopardised either for the luxury of the prosecution or due to laxity of the prosecution . Hence, certain pre-emptive and coercive directions deserves to be issued in this case.

Accordingly, it is directed that the trial Court shall fix two dates within next two months. The prosecution shall produce all their witnesses on these two dates, positively. Still further, it is directed that, in case any prosecution witness is still not produced on these two dates, the trial Court shall issue warrant of arrest against all such remaining witnesses. The copy of warrant of arrest shall be endorsed to the SSP, Sri Muktsar Sahib as well. The SSP, Sri Muktsar Sahib shall ensure that the said person/persons are taken into custody within a week from the date of issuance of warrant of arrest. On being taken into custody, such person(s) shall be kept in the protective custody at District Jail, Sri Muktsar Sahib; till his/ their examination and cross-examination is complete.

Disposed of with above directions.

November 29, 2019

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(RAJBIR SEHRAWAT)

JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No