

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19025-2020 (O&M)
Date of Order:20.07.2020

Sawinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Gupta, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the 4th application for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No.30, dated 31.03.2018, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chohla Sahib, District Tarn Taran.

On 02.03.2020, application No.3 filed for grant of regular bail by the petitioner was disposed of with the following order:-

This is an application No.3 filed for grant of regular bail in FIR No.30 dated 31.03.2018, under Section 21 of NDPS Act, registered at Police Station Chohla Sahib, District Tarn Taran.

On 23rd September, 2019, in the second petition, following order was passed:-

Second petition has been filed for grant of regular bail in FIR No.30 dated 31.03.2018. First petition

i.e. CRM-M-55558-2018 was dismissed as withdrawn on 23.05.2019.

As per the allegations, petitioner was found in possession of 355 grams of heroin at the place when he was apprehended whereas thereafter 267 grams of heroin has been recovered from the place nominated by the petitioner. Hence, the alleged recovery from the petitioner is 622 grams of heroin, which is much more than the commercial quantity.

Hence, no ground to grant of concession of bail is made out.

Dismissed.”

Learned counsel for the petitioner contends that trial of the case is progressing at a snail's pace whereas the petitioner is in custody since 3rd April, 2018.

On the other hand, learned State counsel, on instructions from ASI Ranjeet Singh, has submitted that prosecution has already recorded evidence of three witnesses and since all the witnesses are official witnesses, therefore, the prosecution will make sincere attempt to conclude the evidence at the earliest.

Keeping in view the aforesaid facts, learned trial Court is requested to conclude the trial positively within a period of four months. Since all the prosecution witnesses are official witnesses, therefore, Senior Superintendent of Police, Tarn Taran, is directed to ensure the presence of all the prosecution witnesses before the Court on the date fixed. It shall be personal responsibility of the Senior Superintendent of Police, Tarn Taran, to ensure presence of the witnesses, failing which, the petitioner shall be entitled to move an application before this Court.

Disposed of.”

Learned counsel for the petitioner contends that despite specific directions on 02.03.2020, only one prosecution witness was present and examined.

Since 20.03.2020, the working of the Court has been restricted

due to spread of corona virus. Normal working of the Courts has not been possible since then.

Without going into the merits of the case, it is considered appropriate to dispose of this petition with a request to the learned trial Court to make sincere endeavour for early conclusion of the trial.

Let a copy of the order be sent to the Senior Superintendent of Police, Tarn Taran, to ensure the presence of the prosecution witnesses.

July 20, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No