

In virtual Court

CRM-M-28662-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28662-2020 (O&M)
Date of decision: 17.12.2020

Gurtej Singh @ Lalli

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rishav Jain, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 4th petition for grant of regular bail in FIR No.96 dated 26.04.2017 under Sections 22/25/61/85 of NDPS Act, registered at Police Station Dakha, District Ludhiana; first one was disposed of on 07.03.2019 issuing a direction to the trial Court to expeditiously conclude the trial. Later on, second petition was dismissed as withdrawn and again on 20.01.2020, a direction was issued to the trial Court to conclude the trial within a period of four months.

The trial Court has submitted a report that on 17.12.2019, prosecution evidence was closed and thereafter, statement under Section 313 Cr.P.C. was recorded on 20.02.2020 and the case was listed for defence evidence but due to lockdown, trial could not proceed. It is further stated that the case is now fixed for 18.01.2021.

The petitioner is stated in custody for the last about 03 years and 08 months and though the recovery is of 500 grams of intoxicant powder, however, it appears that the trial Court is not at all serious to conclude the trial, considering the long custody of the petitioner. Defence evidence could easily be recorded by the trial Court by way of video conferencing, however, the case is now stated to be listed for 18.01.2021 for the same purpose. It is stated in the report that no application was filed by either of the parties to either record the defence evidence by physical appearance or through video conferencing till date. Explanation given by the trial Court is not satisfactory, as it is duty of the Court to conclude the trial once this Court has issued directions to the trial Court on two occasions to conclude the trial.

It is for the Court to explain to the defence, the mode, vide which the defence evidence can be recorded. The casual approach adopted by the trial Court in not adhering to the directions given by this Court is not at all appreciated.

Considering the fact that the petitioner is in custody for the last about 03 years and 08 months, this petition is allowed and the petitioner is

In virtual Court

CRM-M-28662-2020

-3-

directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

17.12.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No