

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

**CRM-M-15413-2021
Date of Decision : 14.10.2021**

Chris Obira

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ashish Aggarwal, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.44, dated 06.03.2019, registered under Sections 21 of the NDPS Act, 1985 at Police Station Sadar Khanna, District Khanna.

2. From the Custody Certificate of the Petitioner filed on behalf of the State, it transpires that by now he has remained in detention for a period of 2 years, 7 months and 03 days, since 10th March, 2019.

3. It further transpires that even after such a long lapse of time not even a single witness from the Prosecution Side has been examined.

4. Earlier on 23rd August, 2021, Ld. State Counsel had sought an adjournment to intimate the latest status of the pending trial after which the matter has come up for consideration only today.

5. Ld. State Counsel submits that he has not been able to obtain the proper instructions regarding the current status of trial uptil now from the Investigating Officer.

6. From his side, Ld. Counsel for the Petitioner has tendered copies of the *Zimni* Orders passed by the Ld. Trial Court (Judge, Special Court, Ludhiana) from which it transpires that even after the earlier date fixed in this Court, evidence from the Prosecution side has not been commenced and that on the last date fixed i.e. 26th August, 2021 before the Ld. Trial Court, evidence could not be recorded as the accused himself was not produced by the Jail Authorities.

7. In this view of the matter, it cannot be said that inordinate delay in the trial is attributable to any act on the part of the Petitioner himself.

7. As such considering the long detention undergone by the Petitioner, he is now permitted to be released on bail to the satisfaction of the Ld. Trial Court concerned, which in its discretion may impose appropriate stringent conditions to ensure that he is not able to abscond considering, that he happens to be a foreign national.

October 14, 2021

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No