

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

206

CRM-M-29164-2020 (O&M)

Date of decision: 20.08.2021

ASHOK KUMAR @ BHAN

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Neesh Garg, Advocate for the petitioner.
Ms. Bhavna Gupta, DAG, Punjab.

ANIL KSHETARPAL, J (Oral)

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

This is the third petition for grant of bail, pending trial, in a criminal case arising from FIR No.0163, dated 17.12.2018, registered under Section 22 of the NDPS Act, 1985, at Police Station Barnala, Punjab.

The first petition was dismissed as withdrawn on 02.05.2019.

When the second application came up for hearing, learned State counsel informed the Court that the prosecution had already recorded the statement of 9 prosecution witnesses. Being impressed by the progress made in the trial, the Court declined to grant the bail.

Again, a fresh application has been filed and it was brought to the notice of the Court that the information supplied by the learned State counsel was factually incorrect.

Accordingly, on 22.04.2021, the following order was passed:-

“On 28.02.2020, learned counsel representing the State had informed the Court that the prosecution has already recorded the statements of nine prosecution witnesses. Now, as per the information supplied, statements of only four witnesses have been recorded. Thus, the statement recorded in the order dated 28.02.2020 was factually incorrect.

The Deputy Superintendent of Police, Sub Division,

Barnala, has filed an affidavit to the effect that the petitioner is not facing any other case in District Barnala. The information supplied is totally vague. The Deputy Superintendent of Police has not even cared to supply proper information with respect to the cases pending against the petitioner, if any, in the State. This Bench has gathered an impression that the officers of the prosecution do not reveal correct information to the Court resulting in likelihood of injustice.

Keeping in view the aforesaid facts, The Director General of Police, Punjab, is requested to suggest effective methods to curb and eliminate this arbitrary practice.

Adjourned to 03.05.2021.”

As per the case of the prosecution, the petitioner was apprehended with 1000 tablets containing intoxicating substances. As per the reply filed, which is taken on record, the petitioner does not have any criminal antecedents apart from the present case. The petitioner is in custody since 18.12.2018.

As per the latest information, the prosecution has recorded the statements of 7 prosecution witnesses out of a total 21 prosecution witnesses proposed to be examined.

The conclusion of the trial is likely to take time. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

All the pending miscellaneous application(s), if any, are also disposed of.

20.08.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE