

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

202

**CRM-M No.29802 of 2020 (O&M)
DATE OF DECISION: 24th SEPTEMBER, 2021**

Sukhdev Singh @ Bhola

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is the third petition filed under Section 439 of Cr.P.C. for grant of bail pending trial to the petitioner in case FIR No.7 dated 12.01.2019 under Sections 21, 22 and 25 of NDPS Act, 1985, registered at Police Station Cheema, District Sangrur.

Notice of motion.

Mr. Hittan Nehra, Addl. Advocate General, Punjab, accepts notice on behalf of the respondent-State.

On 05.03.2021, learned State counsel had informed that 06 witnesses out of the total prosecution witnesses already stood examined and further that the earnest efforts were being made to complete the evidence of the prosecution on 22.03.2021. Again, it has been pointed out by the State counsel that only 06 witnesses have been examined so far.

The counsel for the petitioner has submitted that although the petitioner is in custody for more than 2 years and 8 months, yet the prosecution has not completed their evidence. Not only this, the trial Court has been issuing warrants against the witnesses, who happen to be the police officials, however, the said police officials are not turning up as witnesses; despite execution ofailable warrants. Beside this, the Public Prosecutor has also been taking the dates on the pretext of there being some problem with the witnesses or the papers not being available with him. Hence, it is submitted that the trial is being unnecessarily prolonged only on account of inaction on the part of the prosecution and deliberate avoidance on the part of the police officials to appear as witnesses.

The recovery in the present case is of commercial quantity of narcotic substance. The State claims substantial material against the petitioner. Hence, this Court does not find it appropriate to interfere, at this stage, so as to release the petitioner on bail pending trial. However, this Court finds substance in the argument of the counsel for the petitioner that the petitioner is being incarcerated for no fault of his; and only because of the mischievous attempts by the police officials in not appearing as witnesses. Hence, it is appropriate to issue certain coercive directions; for making the decision of the trial a time bound affair.

Accordingly, it is ordered that the prosecution shall complete all their witnesses; by 15.11.2021 and the trial Court shall pronounce the final order on or before 30.11.2021. To ensure the compliance qua timely production of the witnesses, it is further ordered that the trial Court shall fix at least three dates before 15.11.2021. The prosecution shall produce all the witnesses on these said dates. However, if any witness, irrespective of his rank and status, does not appear or is not produced before the trial Court;

latest by 15.11.2021, then the trial Court shall issue nonailable warrants against such a witness. The Senior Superintendent of Police, Sangrur shall ensure the execution of the warrants, if so issued by the trial Court; within a period of three days from the date of issuance of such warrants. Any witness, if required to be arrested in execution of such warrants; would be kept in District Jail, Sangrur till his examination and cross examination is completed. The petitioner/accused shall also be granted time of one week, for production of whatever defence evidence he desires to produce.

Disposed of in the above terms.

24th SEPTEMBER, 2021
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>