

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-18322-2023 in/and
CRM-M-43300-2022
Date of Decision: 25.05.2023

Davinder Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

CRM-18322-2023:

Present application is filed for placing on record copies of the orders passed by the trial Court as Annexure P-2.

For the reasons mentioned in the application, copies of the orders passed by the trial Court (Annexure P-2) are taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CRM-M-43300-2022:

1. Petitioner (Davinder Kumar) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of

regular bail in case FIR No.156 dated 16.11.2021, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Phase-8, S.A.S. Nagar, Mohali.

2. After arguing for some time, learned counsel for the petitioner submits that he does not intend to press the instant petition, however, he puts reference towards Annexure P-2 (zimni orders passed by the trial Court) to submit that the charges in the present case were framed on 17.03.2022 and PW-1 Senior Constable Varinder Singh was partly examined on 26.04.2022 and another prosecution witness C Parkash Chand was given up by the Public Prosecutor, being unnecessary at that stage, on the said date, and thereafter, the matter has been adjourned by the trial Court since last one year but examination of prosecution witnesses has not been done.

3. Learned State counsel has not been able to refute the aforesaid submission made by learned counsel for the petitioner that the matter has been adjourned repeatedly by the trial Court since last one year and the examination of prosecution witnesses has not been done.

4. A perusal of zimni orders passed by the trial Court (Annexure P-2) reveals that the Court has not taken any steps to secure the presence of the unexamined prosecution witnesses, which should had in fact been done by the said Court.

5. Keeping in view the above, the present petition is dismissed as not pressed. However, the trial Court is directed to expedite the trial and take appropriate steps (including coercive steps) to secure the presence of unexamined prosecution witnesses.

6. Ordered accordingly.

7. All pending application(s), if any, shall also stand closed.

25.05.2023
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No