

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

CRM-M-47192-2022

Date of decision:13.01.2023

GAGANDEEP SINGH @ GAGNA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajan Singh Dadwal, Advocate for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Though the learned trial Judge concerned, assumed cognizance, and, also assumed jurisdiction on 13.07.2022, upon the petition FIR. Moreover, only 9 prosecution witnesses were cited in the list of prosecution witnesses rather to be examined as prosecution witnesses, but the learned State counsel intimates this Court, that only one amongst the prosecution witnesses has been examined.

2. Be that as it may, the learned State counsel also intimates this Court that since the Court of the learned trial Judge concerned, remained unmanned for want of a Judicial Officer concerned being posted. Therefore, she submits that the above reason, does constitutes a valid reason, for the non-examination of other prosecution witnesses, and, also constitutes a valid reason for the delay in an expeditious trial being made in respect of the petition FIR. Believing the above made statement, this Court in view of that given the commercial quantity of the seizure, as made from the purported exclusive, and, conscious possession of the petitioner, thereupon it does not deem it fit to admit him to regular bail. More so, when his earlier

bail petitioner has been dismissed as withdrawn.

3. Even though, the learned counsel for the petitioner argues, that since the delay in the conclusion of the trial is on the part of the State, but the above argument is of no merit, given the Court accepting the above valid explanation qua the delay, in the conclusion of the trial, as becomes entered into by the learned trial Judge concerned.

4. However, in the interest of justice the petition is disposed of with a direction to the learned trial Judge concerned, to conclude the trial, as arises from the petition FIR No.76 of 17.06.2021, registered at Police Station Sidhwan Bet, District Ludhiana (Rural), under Sections, 22, 25, 61, 85 of NDPS Act, positively within two months from today.

(SURESHWAR THAKUR)
JUDGE

13.01.2023

Ithlesh

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No