

CRM-M-53113-2022

Date of Decision :18.01.2023

FAITH

...Petitioner

versus

STATE OF PUNJAB

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Paramjit Batta, Addl. A.G., Punjab .

B.S. Walia, J. (Oral)

[1] Instant petition has been filed under Section 439 Cr.PC., for grant of regular bail to the petitioner in case FIR No.08 dated 21.01.2018 under Sections 21 and 29 of the NDPS Act, 1985 registered at Police Station Lohian, District Jalandhar on account of recovery of 800 gms of heroin from the possession of the petitioner.

[2] Sole argument of learned counsel for the petitioner is that the petitioner is a lady, a foreign national and in custody since the date of her arrest i.e. 21.01.2018 and that despite lapse of a period of close to 5 years, out of 15 prosecution witnesses, only 08 have been examined till date.

[3] Taking note of the aforementioned matter, report was called for from the Special Court, Jalandhar with regard to the number of prosecution witnesses examined and the dates on which they were examined as also the next date. In pursuance thereto, report dated 16.01.2023 has been forwarded by the learned Additional District and Sessions Judge, Jalandhar giving the details sought. The same are

reproduced as under:-

Sr. No.	Name of witnesses	Number of witnesses	Date of examination
1.	ASI Jeevan Kumar	Examined as PW-1	Examined-in-chief on 27.08.2018 and cross-examined on 20.11.2018
2.	C. Taranjit Singh	Examined as PW-2	29.10.2018
3.	SI Surinder Kumar	Examined as PW-3	18.12.2018
4.	Ramesh Kumar	Examined as PW-4	20.11.2018
5.	HC Surjit Singh	Examined as PW-5	16.01.2023
6.	PW ASI Pargat Singh	Given up by Addl. PP for the State	
7.	C. Paramjit Singh	Given up by Addl. PP for the State	
8.	C. Lovedeep Singh	Given up by Addl. PP for the State	
9.	C. Gurpreet Singh	Given up by Addl. PP for the State	

and further mentioning therein that delay in conclusion was caused on account of non-production of the accused in Court by the Jail Authorities on several dates as well as non-appearance of prosecution witnesses and further that the case is now pending for 17.01.2023.

[4] Learned Addl. A.G. states that yesterday the case was adjourned by the learned trial Court for today after examining two prosecution witnesses and as on date, out of 15 prosecution witnesses, 08 have been examined and now, 07 prosecution witnesses remain to be examined. He while giving assurance that every step would be taken by

the State to ensure presence of the accused as well as for securing the presence of the prosecution witnesses to enable the learned trial Court to conclude the trial expeditiously, requests for direction to the learned trial Court to conclude the trial in a time bound manner.

[5] The same is acceptable to learned counsel for the petitioner.

[6] Accordingly, without commenting upon the merits of the case and by taking into account the statement of counsel for the parties, the instant petition is disposed of by requesting the learned Special Judge, Jalandhar to conclude the trial as expeditiously as possible and not later than three months from today. The State Authorities are directed to ensure the presence of the accused in Court on every date as also to take all steps to secure the presence of the remaining prosecution witnesses.

[7] Copy of this order be also sent to the Court of the learned Special Judge, Jalandhar, Jail Superintendent, Kapurthala as also the District Attorney, Jalandhar to ensure compliance.

[8] Compliance report be filed in the Registry within two weeks of expiry of stipulated period of time for conclusion of trial. In case of non-receipt of compliance report, Registry to list the case before the Bench for appropriate orders.

[9] Disposed of in the aforementioned terms.

(B.S. Walia)
Judge

18.01.2023
'Amit'

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