

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

CRM M-29644 of 2015

Date of Decision : December 10, 2015

Buta Singh @ Makhan Singh	VERSUS	Petitioner
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Sukhjit Singh, Advocate

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

T.P.S. MANN, J. (Oral)

Prayer made in the petition filed by Buta Singh @ Makhan Singh is for grant of regular bail to him during the pendency of the trial of the case.

The petitioner stands arrested in case FIR No. 67 dated 18.7.2012 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kot Ishe Khan, District Moga, relating to recovery of 175 kgs of poppy husk.

The petitioner is in custody since 28.6.2013. The petitioner had earlier filed petition for grant of bail under Section 167(2) Cr.P.C. but the same was dismissed by this Court on 29.8.2014.

Learned counsel for the petitioner has submitted that out of the fourteen witnesses cited by the prosecution, only two

witnesses have been examined so far. Even the cross-examination of one of the two witnesses examined by the prosecution stands deferred. It is further submitted that the petitioner was also implicated in a false case vide FIR No. 43 dated 28.6.2013 under Section 15 the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lambra, District Jalandhar, pertaining to alleged recovery of 40 kgs 500 gms of poppy husk but has since been granted the concession of bail by this Court vide order dated 16.12.2014 (Annexure P-2). Pleading that the trial of the case is likely to take a long time, prayer has been made for releasing the petitioner on bail.

Learned State counsel has opposed the prayer made on behalf of the petitioner by submitting that at the relevant time, the petitioner and one Ginder Singh were found in possession of 175 kgs of poppy husk, although, they managed to escape the police dragnet. It is also submitted that apart from the present case, the petitioner is involved in two more criminal cases, both under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, including the one arising out of the FIR No. 43 dated 28.6.2013 of Police Station Lambra. The second other case against the petitioner relates to recovery of eighteen bags of poppy husk. He could not, however, dispute the fact that

till date only two witnesses have been examined by the prosecution and out of them the Investigating Officer stands partly examined and his cross-examination stands deferred.

After hearing learned counsel for the parties, this Court is of the considered view that on account of the past record of the petitioner, he does not deserve the concession of bail. The petition is, accordingly, dismissed. However, trial Court is directed to expedite the trial and conclude the same preferably within a period of four months from the date of receipt of a certified copy of the order.

December 10, 2015
amit rana

(T.P.S. MANN)
JUDGE