

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

**CRM-M-41153 of 2015
Date of Decision: 11.12.2015**

Manjit Singh @ Jeeti

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of second petition under Section 439 Cr.P.C., seeks bail pending trial in FIR No. 77 dated 6.8.2014 under Sections 22/61/85 of the NDPS Act, registered at Police Station Boha, District Mansa.

Learned counsel for the petitioner submits that although recovery effected from the petitioner was of commercial nature, yet he is inside the jail for the last more than one year. He further submits that out of 6 PWs, only 3 have been examined so far. Trial is proceeding on a slow pace. He also places reliance on the order dated 9.2.2012 passed by this Court in CRM-M-325 of 2012 (Vijay Kumar @ Banti Vs. State of Punjab), whereby under similar circumstances, bail was granted to an accused under the NDPS Act. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Bhupinder Singh, submits that the abovesaid

order relied upon by the learned counsel for the petitioner is not applicable to the facts of the present case. He further submits that since recovery effected from the petitioner was of commercial quantity and trial is about to conclude in the near future, petitioner is not entitled for bail pending trial. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that since trial is about to conclude in the near future, petitioner is not found entitled for the concession of bail pending trial. It is so said because it is a matter of record that recovery effected from the petitioner was a commercial quantity. All the remaining witnesses, as stated by the learned counsel for the State, have been summoned for 4.1.2016.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, at a later point of time, no case for bail pending trial has been made out.

Dismissed.

However, learned trial court is directed to expedite the trial and ensure early conclusion thereof.

(RAMESHWAR SINGH MALIK)
JUDGE

11.12.2015
Ak Sharma