

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

**Criminal Misc. No.M-27513 of 2017
Date of Decision: 08.08.2017**

Baljinder Singh @ Sodhi and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Narinder Singh, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

This is second petition by the petitioners under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.27 dated 19.3.2015 under Section 15 NDPS Act registered at Police Station Dhanaula, District Barnala.

As per the FIR, 8 kg. opium and 7 kg. poppy husk was allegedly recovered from the possession of the petitioners.

Learned counsel for the petitioners has argued that the petitioners are in custody since 19.3.2015. Earlier also, they had filed CRM-M-39144-2017 for grant of regular bail and this Court, vide order dated 15.11.2016, had dismissed that petition as withdrawn, however, the

trial Court was directed to expedite the trial. Learned counsel has further submitted that despite there being order for expediting the conclusion of trial, the trial has yet not been completed and only two witnesses have been examined so far.

Learned State counsel, on instructions from ASI Dilbar Singh, submits that as against the 19 witnesses, only two witnesses have been examined so far and the case is fixed before the trial Court for 4.9.2017.

Considering the fact that the alleged recovery made from the possession of the petitioners is 8 kg. opium and 7 kg. poppy husk, which falls in commercial quantity, no case for grant of bail is made out.

Accordingly, the present petition is dismissed.

However, the trial Court is directed to conclude the trial within one year. In case the trial is not concluded within the aforesaid period, the petitioners shall be at liberty to file fresh petition seeking bail.

August 08, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No